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ABSTRACT

This study considers the documentary evidence concerning the character and development of mediaeval and 16th century settlement in the ancient territory of Copeland, Cumberland. Two principal aspects of rural settlement are examined: i) patterns of agrarian organisation as expressed by the distribution of settlement sites and by the areal differentiation of the land surface by the head-dyke, separating enclosed and improved land from tracts of unenclosed, but by no means unused, waste; and ii) territorial patterns created by the cellular network of administrative boundaries defining parishes, townships and wards, within which settlement evolved.

The first section of the study concentrates on patterns of territorial organisation. It begins with a general review of published studies to provide a conceptual framework and proceeds to examine the feudal structure of Copeland in the light of G.R.J. Jones' model of the "multiple estate" or "shire". A third chapter focusses onto the lower levels of the territorial hierarchy and scrutinizes in some detail the mediaeval antecedents of 19th century townships in order to evaluate the antiquity of the administrative units shown on 19th century Ordnance Survey maps.

The second section of the thesis turns to the organisation of space for agrarian purposes. The rural economy of Copeland is shown to have possessed a strong pastoral bias and published sources are reviewed to introduce concepts applicable to the study of agrarian organisation in stock-rearing areas. The settlement pattern and organisation of improved land within the head-dyke can be reconstructed from a detailed, late-16th century survey and this provides the basis for tracing the mediaeval antecedents of the later arrangements,

thus defining a model of settlement evolution during the period under study. A third chapter examines the organisation of grazing practices on the unenclosed waste and, finally, returns again to the question of the evolution of territorial boundaries by discussing the chronology of their definition across the open pastures of the waste.

TERRITORIAL STRUCTURE AND AGRARIAN ORGANISATION
IN MEDIAEVAL AND SIXTEENTH CENTURY
COPELAND, CUMBERLAND

A thesis submitted for the Degree of Doctor of
Philosophy in the University of Durham

by

Angus James Logie Winchester

(In two volumes)

VOL. I

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Frontispiece

St. Bees Head from "Aveneleston" on Longbarrow

The coastal lowland with the Irish Sea beyond is seen here from the edge of the Lakeland massif north-east of Egremont. Aveneleston, the boulder in the foreground, is named in the grant of Brisco in c1210 as one of the points fixing the boundary between the territories of Brisco (to the left on this photograph) and Cleator across the open moorland of Longbarrow. The boundary became fossilized by the drystone wall seen running out behind the boulder on the enclosure of the wastes of Brisco and Cleator by Acts of Parliament in 1783 and 1825 (see Figure 7.6).



For Val

"...in the dull disquisitions that follow we may be cheered by the thought that great questions are at stake"

F.W. Maitland (1960; 420)

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Preliminary Notes

1. Throughout the study the term mediaeval is used to embrace the centuries between the Norman Conquest and the year 1500. Early mediaeval thus refers, approximately, to the period between the mid-11th century and the end of the 13th century; late mediaeval to the 14th and 15th centuries.
2. Secondary sources are referenced in the text, full details being found in the Bibliography in Volume II. Primary sources are referenced in footnotes (collected together at the end of Volume I), explanations of abbreviations and a brief description of the major archives used being given in the section entitled Sources in Volume II.

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Declaration.

No part of the material contained in this thesis has previously been submitted for a degree in this or any other university.

Signed: Angus Winchester

Date: 3rd February, 1978.

CHAPTER I

INTRODUCTION

A. FRAMEWORK OF STUDY

Studies which have examined spatial aspects of mediaeval rural settlement in Britain have tended to concentrate on one of three main subjects: the morphological arrangement of buildings and garths within individual villages or hamlets¹; the arrangement and functioning of a settlement's arable, meadow and pasture reserves (i.e. its "field system")²; or the antiquity and development of the territorial framework of manorial, township and parochial boundaries within which the settlement pattern is contained³. The aim of this dissertation is to analyse elements of the latter two fields of study with the intention of building up a picture of the evolution both of underlying agrarian organisation and the overlying network of territorial boundaries.

Central to this study is the idea that a tract of countryside was peopled by groups of farmers, in some places consisting of merely an extended family group, in others grouped into villages containing a few hundred souls, each group exploiting the resources of a delimited economic territory independently of its neighbours. Whatever the differences in the internal organisation of each community's resource area, the concept of a definable economic territory is as true of the small hamlet communities of north and west Britain as the large villages of parts of the English lowlands.

Superimposed on this pattern of economic resource areas is a network of boundaries dividing the countryside into the territorial cells utilized by higher authority for a variety of administrative purposes, and it is suggested that, by

examining both agrarian resource areas and administrative territories a rounded picture of mediaeval settlement may be gained.

A useful starting point is provided by Maitland's observation on the relationship of parish and township boundaries to the underlying settlement pattern in different parts of Britain as shown on large-scale Ordnance Survey maps. Acting on the assumption that the boundaries of 19th century civil parishes shown on these maps replicated the pattern of boundaries between mediaeval vills, he observed:

"We are learning from the ordnance maps....that in all probability we must keep at least two types (of vill) before our minds. On the one hand, there is what we might call the true village or nucleated village..... It is a fairly large cluster; it stands in the midst of its fields (and) of its territory....In a country in which there are villages of this type the parish boundaries seem almost to draw themselves. On the other hand, we may easily find a country in which there are few villages of this character. The houses which lie within the boundary of the parish are scattered about in small clusters (which) have names of their own, and it seems a mere chance that the name borne by one of them should also be the name of the whole parish or vill....On the face of the map there is no reason why a particular group of cottages should be reckoned to belong to this parish rather than to the next." (Maitland: 1960, 38-9)

This study seeks to delve beneath the face of the map in an attempt to elucidate the development both of the settlement pattern and of the overlying network of territorial boundaries in an area of dispersed, hamlet settlement where parish boundaries do not "seem almost to draw themselves".

That such a brief is not mere repetition of an over-worked field of research is largely due to the dominance, eighty years after Maitland published his observation quoted above, of concepts and models which have grown out of the study of areas of nucleated village settlement in southern

England and are most readily applicable to such areas. The contrast between the lowland, "English" zone of Britain and the highland, "Celtic" zone in the north and west of these islands was noticed early and has continued to be a fundamental theme in the historical geography of Britain⁴. Partly, no doubt, because of the relative paucity of mediaeval documentation in the "Celtic" north and west, the bulk of work on mediaeval settlement has concentrated on the evidence from the lowland, "English", south and east. A theme which will run throughout this study is that the physical and cultural environments of upland areas of northern England (of which Copeland forms a part) are sufficiently different to require a radical reassessment of some of these basic models.

Although the contrasts between highland and lowland zones will be discussed further in the reviews of published studies of territorial structure and agrarian organisation presented in Chapters II and V, the accepted features of settlement in the two areas may be reiterated briefly here. The early work by Seebohm (1890), Maitland (1897), Vinogradoff (1905) and Gray (1915) on the agrarian organisation and territorial structure of the "typical" English village established some basic concepts which continue to exert a strong influence over studies of rural settlement in Britain. The cluster of dwellings lay in the midst of a communally-organised tract of territory, the greater part of which was given over to the production of grain crops. Relatively little waste land remained, even in the early mediaeval

period, and, as the arable fields of one village abutted directly onto those of its neighbours, clearly-defined economic territories could be identified pertaining to each village cluster. In the ideal situation the relationship of this pattern of agrarian organisation to administrative territories was simple, the village and its fields coinciding with the units of seignorial jurisdiction (manor), civil administration (township), and ecclesiastical organisation (parish).

In upland areas of the north and west very little of this traditional model of settlement organisation holds true. Central to Gray's (1915) thesis was the contrast between the field systems of midland English village settlement and those of the Celtic north and west. In these areas the settlement pattern consisted of a mixture of small hamlets and individual farmsteads the arable fields of which formed small economic territories around each cluster of houses or isolated dwelling. Moreover, it is generally accepted that the rural economy of such areas was geared strongly towards the rearing of livestock, vital to which was the utilization of the large reserves of unimproved pasture lying "waste" in the intervening spaces between settled, cultivated areas. In such a landscape, as Maitland noted, administrative boundaries seem frequently to bear no obvious relation to the underlying pattern of agrarian organisation.

The distinctive approach of this study lies in its underlying premise that, to gain a full picture of the evolution of mediaeval settlement in an area, it is necessary

to examine not only the history of individual villages, hamlets and farmsteads but also the changing patterns of agrarian organisation and the development of the overlying network of administrative boundaries.

B: SOURCES AND CONTENT

The subject chosen for this study of mediaeval settlement in an upland area of northern England is the south-western part of Cumberland coterminous with the ancient administrative division known as the ward of Allerdale Above Derwent, or Copeland. Its cultural identity as one of the five wards of Cumberland and its feudal structure - consisting of the three jurisdictional liberties of Cockermouth, Egremont and Millom (see Chapter III, pp62-67) - make it a convenient unit for study.

It is an area which has not previously received the attention of scholars examining patterns of mediaeval settlement. Indeed, relatively little work has taken place in Cumberland as a whole, those studies which do touch on the subject falling into two distinct categories. First are those overviews of Lake District history, provided originally by Collingwood (1925) and expanded more recently by Bouch and Jones (1961), Rollinson (1967) and Millward and Robinson (1970), which have established the broad outlines of the area's social and economic development.

Secondly, the bulk of more detailed work has concentrated on analysis of open field arrangements following Gray's (1915, 227-242) study of the field systems of Cumberland in his classic national synthesis. In the early part of this century local workers examined the functioning of the open townfields of the area (Graham: 1910, 1913; Butler: 1928; Porter: 1928; Fair: 1934), while more comprehensive overviews of Cumbrian field systems have been

provided more recently by Elliott (1959b, 1973) and Dilley (1973). In both cases these writers have concentrated on the communal organisation of common land in the 16th to 18th centuries and their work has contributed to the understanding of post-mediaeval, rather than earlier patterns. The relative paucity of published research and, indeed, the distinctive angle from which this study approaches the examination of mediaeval settlement necessitate a heavy reliance on primary sources.

In scope the study is limited to an intensive examination of the mediaeval and 16th century documentary record for Copeland. Because of the limitations of time and finance little attempt has been made to relate documentary evidence to relict landscape features other than those shown on Ordnance Survey and other maps and plans. By thus limiting the source material it has been possible to draw out salient features of the patterns seen throughout the study area rather than to concentrate on the total reconstruction of the mediaeval landscape of a more restricted area.

The approach taken in each of the data-presenting chapters is retrospective. Taking the mapped landscape of the 18th and 19th centuries as a basis, 15th and 16th century spatial patterns can be reconstructed in some detail using the substantial archive available for that period. Elements of these patterns can in turn be traced back to the earlier, much less comprehensive, corpus of material from the late-12th to early-14th centuries.

A list and brief description of the major documents used in the study is given in the section entitled Sources in Volume II. As will be seen there, the nature of these two corpora of documentary evidence is markedly different. The 15th and 16th century body of material is centred on manorial and estate papers (including the detailed Survey of 1578, court rolls and ministers' accounts) in Lord Egremont's archive housed in the muniments room at Cockermouth Castle (referenced C.R.O.D/Lec). These documents cover those areas of Copeland retained under the direct control of the Percy family as chief lords of the fee at that date.

In the late-12th to early-14th century corpus, on the other hand, the concentration is on monastic estates and the estates of mesne tenants. Two substantial collections of deeds, the unpublished Lucy Cartulary in the Cockermouth Castle archive and the Register of the Priory of St. Bees, published by Surtees Society in 1915 (referenced StB.) and including an extensive appendix of relevant illustrative documents from other sources (referenced StBA.), form the core to this earlier corpus. A third major component, however, is the late-13th century archive of the Fortibus family, lords of half the Honour of Cockermouth, which is housed in the Public Record Office, London, and includes both a detailed survey of the estate in 1270 (P.R.O./S.C. 11/730) and a series of ministers' accounts from 1266 to 1318 (P.R.O./S.C.6/824).

If this introductory chapter and the final, brief concluding discussions are excepted, the study falls, as its

title suggests, into two sections, each of which contains three chapters. Section A examines aspects of the territorial structure of the study area. The first chapter discusses, in the light of published sources, territorial organisation in mediaeval Britain with particular reference to northern England (Chapter II), while the two subsequent chapters present the detailed evidence for the territorial structure of Copeland, both in the patterns of lordship and feudal jurisdiction (Chapter III) and in the parcellation of the land surface into townships and vills (Chapter IV).

The second section of the study concentrates on the development of the settlement pattern in terms of the division of the land surface into territories of agrarian organisation. A first chapter (Chapter V) examines the economic basis to agriculture in Copeland and reviews published work on agrarian organisation in other pastoral areas of Britain. It is suggested there that in such areas the line of the head-dyke, separating cultivated land from the unenclosed common grazings of the waste, is fundamental to any discussion of the organisation of space for agrarian purposes. Consequently, the subsequent chapters which present the detailed evidence from Copeland examine, in turn, the settlement pattern and the organisation of arable and meadow land around the farmsteads (Chapter VI), and the management of the expanses of unimproved waste which intervened between settled areas (Chapter VII).

C: THE STUDY AREA : AN INTRODUCTION TO COPELAND

1. The Landscape of Copeland

In an area of 427 square miles (1106 km²), Copeland embraces the landscape contrast, typical of so much of northern England, resulting from the juxtaposition of a low-land coastal plain and a deeply dissected upland block. Indeed, the contrast between these clearly-defined landscapes forms a theme which will recur throughout this study. The visitor to the area today is often struck by the sharpness of the division between the fells and dales of the western Lake District and the undulating lowlands sweeping down the coast (see Fig. 1.1). The coastal lowland is a thin strip of land characterised by a sense of space and openness (some would say bleakness) and epitomised by the red-brown of sandstone soil and sandstone houses, and the omnipresence of the steel-grey sea with the Galloway hills beyond. In marked contrast are the deep valleys of the western Lake District in which the scenery of the fells is majestic and awe-inspiring and yet, paradoxically, more intimate than that of the coastal lowlands. Here it is the lush, green meadows of the valley bottoms, the white-washed farmhouses lying close to the mountain sides, and the subtlety of changing light on the fellsides which has entranced writers and artists since Gilpin and Turner, which imprint themselves on the visitor's mind.

This marked upland/lowland contrast stems largely from differences in the geological basis of the landscape (see

Fig. 1.2). The Lakeland dome is a mass of palaeozoic rocks dissected by glacially-overdeepened valleys which frequently contain a complex mixture of glacial and fluvio-glacial drift deposits interspersed with drift-free knolls of bedrock. The coastal lowlands, on the other hand, are largely underlain by Carboniferous Coal Measures and limestones in the north and by Permo-Triassic sandstone from Whitehaven southwards and they derive much of their undulating character from the overburden of drift material⁵. The wide extent of drift cover along the coastal strip and the greater inherent fertility of this Irish Sea till than the stony till of the Lake District valleys have combined with the obvious differences in relief, exposure and climate to make the coastal lowlands the area of greater agricultural potential.

Within each of these contrasting landscapes, however, a great diversity of pedogenic materials is found within a small area. Figure 1.2B is an attempt to stress this diversity by focussing onto a block of land covering only 2.3 square miles (6 km^2) on the edge of the Lake District massif. Here the drift consists largely of Boulder Clay which thins out as one moves up the fellsides. Within this generally drift-covered area, however, drift-free hill crests occur and the pattern is made more complex by the occurrence of hillocks of fluvio-glacial sands and gravels and of accumulations of peat in the boggy hollows between these undulations. The variety of soils which have arisen on these diverse parent materials has resulted in the fragmentation and localization of land attractive for different agricultural uses within a small area.

2. Cultural Patterns: the Landscape Mapped 1760-1860

As an introduction to the patterns of human occupancy which form the subject matter of this study, three patterns in the cultural landscape of Copeland have been isolated and mapped from 18th and 19th century sources and are presented in Figures 1.3-1.7. These are, first, the point pattern of settlement sites whether lone steading, hamlet or village; second, the head-dyke line separating cultivated land from unenclosed waste; and, third, the cellular network of township boundaries dividing the land surface into administrative territories. As a preface to the analysis of the mediaeval and 16th century forerunners of these patterns, a brief description of each is presented here.


a) Settlement Pattern (Fig. 1.3). The earliest reliable and comprehensive overview of the disposition of dwellings throughout Copeland is provided by the large-scale Ordnance Survey maps and plans surveyed between 1860 and 1864. To produce the settlement pattern shown in Figure 1.3 these maps have been compared and collated with Tithe Plans of the 1840s and with Hodskinson and Donald's one inch to one mile map of Cumberland published in 1774.

The dangers of assuming that this pattern approximates to the distribution of farmsteads in the 16th century are realised but the antiquity of many elements in the pattern shown in Figure 1.3 is suggested by two observations. First is that the enclosure of common land in Cumberland in the 18th and 19th centuries was not accompanied by wholesale

clearance of settlements and their replacement by planned estate villages and "model" farmsteads as occurred in the adjacent counties of Northumberland and Dumfriesshire⁶.

Second is that many buildings shown on 19th century maps and plans of Copeland incorporate workmanship and datestones from the mid-17th century when rebuilding in stone was at its height⁷. Almost certainly the processes of amalgamation and fragmentation of holdings in the 17th and 18th centuries will have resulted in minor differences between the 16th century settlement pattern and that shown in Figure 1.3, but it is suggested that in essentials the pattern would have remained constant.

The total pattern of settlement in Copeland shown in Figure 1.3 confirms the relative lack of large villages and the preponderance of scattered farmsteads and small hamlets. Those clustered settlements which occur are concentrated along the coastal strip and only in the north-west of the study area between Workington and Cockermouth do villages predominate to the virtual exclusion of scattered farmsteads. However, a further feature of the pattern which should be noted is that, even in areas of scattered settlement, groups of dispersed farmsteads occur which are linked together by a common settlement name in the way in which the single farmsteads of Wythemoor House, Wythemoor Sough and Wythemoor Head (NY03 24,02 24) are associated. The implications of such linked farm names are discussed in Chapter VI (p 174) but, for the purposes of this discussion, the essentially dispersed nature of the total settlement pattern of Copeland is stressed.



b) Head-dyke Line (Fig. 1.3, 1.4). The total pattern of enclosed land and waste shown in Figure 1.4 is a composite picture drawn partly from first edition Ordnance Survey maps (where waste remained unenclosed in 1860), but largely based on the plans accompanying awards for the division of unenclosed waste in the late-18th and early-19th centuries. Again, in the absence of early cartographic evidence, it is impossible to be certain that the head-dyke line mapped in Figure 1.4 corresponds to that existing in the 16th century but both the negative evidence of the relatively small areas in which an extension of the head-dyke onto the waste between 1600 and Parliamentary Enclosure can be documented (see Fig. 1.4), and the evidence, to be presented in Chapter VI (p 219), that the overall pattern of enclosed land and waste had become established by the mid-16th century suggest that the pattern on the eve of Parliamentary enclosure did not differ substantially from that in the 16th century.

The total pattern of land within the head-dyke, which may be thought of as the cumulative human response to the environment of Copeland prior to Parliamentary Enclosure, is related to underlying landform in Figure 1.6. It is a pattern of great complexity in which small islands of cultivated land lie separated in a sea of waste while tattered remnants of unenclosed moorland survive in areas which have otherwise been completely appropriated from the waste. When reduced to its bare essentials two features of the pattern may be noticed: first, that on the eve of Parliamentary Enclosure of the order of 50% of the land surface of Copeland

remained as unenclosed common waste; and, second, that the bulk of this late-surviving waste lay in two large blocks - the dome of the Lakeland massif, dissected by tongues of enclosures running up the principal valleys; and the Dean Moor block, a windswept ridge of Carboniferous sandstones lying between the coast and the Marron Valley.

The relationship of the settlement pattern to the pattern of enclosed land and waste is shown in Figure 1.3. Although many settlements lay surrounded by cultivated land and thus relied on a network of field lanes and rights of way for access onto the surrounding waste, two distinctive settlement patterns may be noted. First are those villages along the coastal strip which lay at the foot of a funnel-like driftway or outgang, a wide tongue of land giving direct access from the farmsteads in the village cluster to the moorland waste. A second settlement pattern which also provided direct access from farmsteads to both cultivated land and waste is exemplified by Blindbothel township (see Fig. 1.7A) in which the farmsteads lie dispersed in a ring along the head-dyke at the junction between the two categories of land.

c) Township Boundaries (Fig. 1.5). The pattern of boundaries shown in Figure 1.5 is that shown on large-scale first edition Ordnance Survey sheets as delineating the basic units of civil administration (townships) at that time. The origins and development of these territorial units will receive detailed scrutiny in Chapter IV but evidence presented there suggests that many elements of the pattern mapped

by the Ordnance Survey were of great antiquity.

When this network of boundaries is superimposed on the patterns of relief and the head-dyke line (Fig. 1.6) two salient features may be noted at this stage in the discussion: first, that, in general, the townships of the lowland coastal strip are smaller than those of the western Lake District which encompass within their bounds vast areas of fellside; and, second, that the irregular parcellation of the land surface by these boundaries is such that most townships contain within their ambits shares of both enclosed land and waste. Indeed, the tract of waste in each township is normally identified by the name of that township (e.g. Brackenthwaite Fell, Brigham Moor) and, as Figure 1.4 shows, separate Parliamentary Enclosure awards were generally made for the division of the wastes in each township.

The proportion of the township's territory lying as common waste outside the head-dyke differed greatly between the coastal lowlands and the Lakeland valleys. From a sample of 10 enclosure awards for wastes in the former section of the study area an average figure of 30.9% is found⁸ while a far higher proportion of waste is found in those Lakeland townships which embraced vast areas of open fellside. At Lorton 72.7% of the township formerly lay outside the head-dyke and figures of 63.4% and 61.3% are found for the townships of Loweswater and Ennerdale⁹.

The relationship of the network of township boundaries to the underlying settlement pattern again varies widely.

Figure 1.7 focusses attention on six contrasting townships

in Copeland, three of which are centred on nucleated villages, while the other three each embrace a scatter of single farms. In the former the villages are each situated at the foot of an outgang in the pattern described above, but in each case single farmsteads, generally located along the head-dyke also occur.

The pattern of scattered farmsteads exhibited by the other three townships shown in Figure 1.7 is perhaps more typical of Copeland as a whole. As a comparison with Figure 1.3 shows, the township boundaries which enclose and give identity to the scatter of farmsteads at Corney or Netherwasdale (Fig. 1.7, C.D) seem, on the face of the map, to be placed arbitrarily on the land surface. If these boundaries were removed there would be as Maitland pointed out, "no reason why a particular group of cottages should be reckoned to belong to this parish rather than to the next".

The following pages will examine the evolution, from the mediaeval period, of the three patterns described in this introductory discussion. It is hoped that the study will lead to a greater understanding of the patterns of human settlement in Copeland expressed both by the disposition of settlements and the organisation of the land surface for agrarian purposes and by the division of the countryside by a cellular network of administrative boundaries. It is the latter pattern of territorial structure to which attention is turned in the first section of the study.

C H A P T E R I I

TERRITORIAL STRUCTURE IN MEDIAEVAL BRITAIN

This chapter provides an introduction to the concepts and problems encountered subsequently in Chapter III, which examines the structure of mediaeval Copeland as a territorial entity, and Chapter IV, which discusses the study area's ultimate territorial divisions - the vill or township territories. It is divided into four sections.

In an attempt to provide a broad overview assessing the continuity of territorial structure in Britain, section A discusses the pattern of townships and hundreds shown on 19th century Ordnance maps in terms of broader concepts of territoriality, and reviews recent work on the prehistoric origins of the territorial framework of Britain.

Section B, extending the theme of continuity, examines the problems encountered in reconstructing territorial patterns from mediaeval documentation.

The last two sections focus onto the questions to be examined in detail from evidence from Copeland in Chapters III and IV. Section C examines in greater depth the problems of reconstructing the basic pattern of mediaeval vills in upland parts of northern England, while Section D examines the grouping of vills into larger territorial units.

A. TERRITORIALITY IN BRITAIN: AN INTRODUCTION

Writing about 1470, Sir John Fortescue, the exiled English chancellor, described the territorial framework of English local government thus:

"Counties are...divided into hundreds, which in some places are called wapentakes. Hundreds, again, are divided into vills (villae), under which name boroughs and cities are included, for the boundaries of vills are not delimited by walls, buildings, or streets, but by the confines of fields, by large tracts of land (magnis territoriis), by certain hamlets and many other things, such as the limits of water courses, woods and wastes..... there is scarcely any place in England that is not contained within the ambits of vills....."(Fortescue, ed. Chrimes: 1942, c.xxiv, pp 54-55).

The structure he describes continued to form the basis of local administration in England until the sweeping reforms of the later 19th century and a comparison of the administrative divisions mapped by the Ordnance Survey on their mid-19th century first edition maps with the units used in the early censuses of the first part of that century provides a starting point for the preliminary discussions of territorial structure in mediaeval Britain in this chapter.

The basic territorial unit identified by Fortescue and recurring in the detailed population statistics in the 1831 Census Enumeration Abstract and as the fundamental administrative division bounded and named on Ordnance maps is the township or vill (rendered villa in mediaeval Latin). In southern counties of England this civil division is frequently coterminous with the ecclesiastical parish, while in northern counties the correspondence is less common, large ecclesiastical parishes embracing a number of townships being found

frequently, particularly in upland areas.¹ In Scotland, however, the ecclesiastical parish formed the basic unit of administration and, even where covering a vast acreage, is rarely subdivided.²

In an attempt to gain a general impression of the size of the English township the histograms in Figure 2.1 have been constructed from the acreages given for the basic administrative subdivisions used in the 1831 Census Enumeration Abstract. The figures given in the Abstract are only approximate acreages, generally rounded to the nearest ten acres, but they probably present a fairly accurate overall picture of township size in the five counties chosen as examples. With the exception of the relatively few vast townships in upland areas of the northern counties shown in Figure 2.1, the histograms show very similar size distributions in all counties, more than 75 per cent of townships in each county containing less than 3000 acres (1200 ha.). From a sample of over 400 township acreages from southern counties and over 380 from northern counties³ average values of 2019 acres (817 ha.) and 2320 acres (938 ha.) respectively again suggest relatively little difference in the spatial extent of the typical township in different parts of the country.

The townships, these basic cells in the territorial hierarchy, are grouped in most of England into hundreds or wapentakes, intermediate territories covering typically between 40,000 and 60,000 acres (16,000-24,000 ha.), which are themselves subdivisions of counties. In the four northern counties an intermediate level of organisation

between township and county is again found, although the divisions are here called wards and are larger, generally containing over 150,000 acres (60,000 ha.). The Lancashire hundreds and the wapentakes of northern and western Yorkshire tend to be larger than their southern and midland English counterparts, and the tendency towards increasing size in these intermediate divisions as one moves north may be noted.

The extent to which these 19th century territorial patterns may be accepted unchanged as replicating mediaeval patterns of territorial structure will form a theme running throughout this chapter.

In terms of broader concepts of territoriality the parcellation of the English land surface into townships and their grouping into hundreds, wapentakes and wards exhibit three characteristics. First, the parcellation of the English land surface into a basic, cellular network of townships may be thought of as a spatial pattern resulting from the appropriation of more or less closely defined ranges of territory to geographically separate groups of individuals. This is a phenomenon common to both animal and human populations (Ardrey: 1967, 3-41; Carpenter: 1950, 25) and is closely related to the pattern of economic exploitation whereby each community lays claim to and utilises a delimited resource area which it defends as its exclusive preserve. The parcellation of the land surface into such territories forms a process which "may be regarded as a spacing mechanism in that it separates certain members of a species

from their conspecifics" (Tringham: 1972, 463). In human societies these territorial units are frequently given distinguishing names so that any specific location may be assigned to a particular territorial context.

Secondly, such a territorial pattern implies the demarcation of boundaries between individual cells, a second characteristic of the pattern of English townships. The demarcation of boundaries relies heavily on the existence of "recognisable discontinuities in the environment" (Martin: 1972, 443), whether natural features (water-courses, watersheds, trees) or human landscape elements (field boundaries, buildings, roads), and the processes determining the size of territories and the precision with which their boundaries are defined will be closely related to both the distribution of natural resources and the pressure of population in an area. In certain conditions imprecise boundaries and overlapping territorial ranges may be found.

Finally, the pattern of townships and hundreds illustrates the concept of territorial hierarchies. The grouping of basic territorial cells into larger units for political and social purposes is a feature of most societies, and the resulting patterns may frequently be conceived in geographical terminology as patterns of central places or core areas surrounded by appendant territories. The settlement generally acts as the focus of the basic territorial cell, while at a higher level in the territorial hierarchy the central place is usually a feature associated with chieftaincy or overlordship.

Having isolated three features (the appropriation of a range of territory, the demarcation of its limits, and the incorporation of such a delimited territorial cell into a social territorial hierarchy) as fundamental concepts in a discussion of territorial structure an attempt must be made to assess the chronology of the processes by which the territorial framework of Britain became defined. The pattern of townships and hundreds described in the 19th century had evolved gradually through the centuries and is unlikely to have been the result of large-scale planning by a central authority. It is generally considered to be in essence an Anglo-Saxon pattern modified after the Norman conquest, but recent work has begun to identify evidence for territorial organisation in Britain in the prehistoric period, although little has been done to attempt to relate these early patterns to later township and hundred boundaries.

In his stimulating study Bonney (1972), working retrogressively, has shown how some parish/township boundaries in Wessex coincide with those of Saxon estates. From their relationship to the courses of Roman roads and to Iron Age earthworks he has suggested that the boundaries surrounding mediaeval units of territorial organisation had in some cases become closely defined by pre-Roman times. Although this suggestion has been questioned (Barrow: 1976) other recent work on the distribution of Neolithic and Bronze Age tombs is identifying evidence of territoriality (as opposed to details of boundaries) at these early dates. The large amounts of labour required in the construction of these funerary earthworks and their apparently non-random

distributions have led to suggestions that they represent fixed, seasonal meeting places anchoring nomadic groups who ranged over territories around these monuments. Renfrew (1976: 146-50) in his examination of chambered tombs on the islands of Arran and Rousay suggests that their regular spacing around the periphery of these islands implies a series of roughly delimited territories, "the existence of one tomb inhibit(ing) the construction of others very close to it." (ibid; 148). The linear clustering of Bronze Age barrows in Wessex has led Fleming (1971: 163) to draw similar tentative conclusions. The even larger henge monuments of the middle Bronze Age and hill forts of the Iron Age are now being interpreted as the central foci of larger territorial groupings; the argument being that only a tribal chieftain or his equivalent in political power could muster the labour resources necessary for their construction (Renfrew: 1976, 250-256; Jones: 1960, 80).

The trends are clearly towards seeing prehistoric society as being contained within an increasingly closely defined territorial framework. If the early definition of boundaries between territorial blocks was widespread, the pattern of boundaries confining mediaeval units of territory may indeed be described as a palimpsest containing ancient and anachronistic features.

B. PROBLEMS OF TERRITORIAL RECONSTRUCTION

The information concerning the division of space into delimited territorial blocks, which can be gleaned from mediaeval documents may be divided into two categories. The first, which is both the more common and the less useful, includes instances of the naming of specific territorial divisions by the formula parochia de A; villa de B; hundredum de C, or the instances where a place is located as being in D. Such instances allow the identification of the approximate location of these territories if the names A, B or C can be identified on later maps. Where the unit bearing the name A or B is specified in the mediaeval document (parochia, villa etc.) an idea is gained of the order of size of the territory.

Of far greater potential for the purposes of mapping the mediaeval territorial structure of an area is the second category of references where precise boundary details are given to delimit the named territory in question. Where the points along a written boundary description may be identified from later cartographic evidence a clear, hard line may be drawn delimiting the mediaeval territory.

The distinction between these two types of information must be stressed, as only with the latter may precise lines be drawn on a map to represent the boundaries between territorial blocks. In the following discussion of the problems encountered in attempting to reconstruct the territorial divisions of days prior to the survival of cartographic evidence, the two classes of information are

treated separately.

i) Territorial Names

A fundamental problem in the use of early place-name evidence has been the failure to differentiate between those names referring to a specific location - the site of a village; a pond; a field name - and those which distinguish a tract of territory - a vill or township, hundred, parish, or county. The maps published on a county basis by the English Place-Names Society to show the distribution of place-name elements give equal weighting to names of both categories by fixing at a specific location a name which was used to describe a large tract of countryside. The reason for the failure to distinguish between these different classes of name is not far to seek: a single name frequently serves to label both a specific location and a tract of territory, the widespread coincidence between lowland English village and parish/township names being the obvious example. Whether the settlement took its name from, or gave its name to, its surrounding territory is outside the scope of this discussion, although as most early examples of place-names refer to territories rather than to specific settlements it is dangerous to assume continuity of settlement type and site (while possible to assume continuity of the territorial framework) from the earliest occurrence of their common place-names.

The problem involved in using such references does not stop at confusion between specific location and territorial context, as the same name often applies to a hierarchical nest of territories frequently not coterminous. Thus the

village and township name may often be borne by a larger ecclesiastical parish, and, if the settlement has become an important focus, by such higher territorial units as a barony or hundred. In using place-name evidence to reconstruct the territorial structure of an area, it is clearly important to distinguish the level in the territorial hierarchy to which a particular instance of the use of a territorial name is applied.

ii) Boundaries

The reconstruction of early territories from documentary boundary details by the relation of these details to features observable in the landscape today has become a well-established practice in the field of local history (see Beresford: 1957, 25-62; and Finberg: 1964, 116-130). With luck in the identification of points along the boundary described in the documents such careful reconstruction can enable us to visualise very clearly in map form certain features of an unmapped landscape. Unfortunately comparatively few detailed boundaries are described in mediaeval documents and other methods of reconstruction must be considered when, as in Chapter IV of this study, the intention is to map the total pattern of mediaeval structure in a local area.

Too frequently writers have fallen into the trap of uncritically equating the boundaries of 19th century townships shown on first edition Ordnance Survey maps with those of the mediaeval territories bearing the same names. Although less satisfying than the presentation of clear boundary lines between reconstructed territories, the

representation of a territory's known constituent elements by locational dots is usually the most honest way of mapping mediaeval data. The maps of the large federal Domesday manors of the northern Danelaw counties which use this method to represent the constituent ~~soke~~s and berewicks in the works of Jones (1965, Fig. 1) and Darby and Maxwell (1962, Figs. 3, 22, 41) are successful examples of such honest cartography.

The assumption of precise boundaries between early territories may be justified, however, where, as in Sheppard's attempt to map fiscal carrucates over the whole of Yorkshire from Domesday evidence, the distributional pattern being mapped will remain broadly correct, even though there are likely to be inaccuracies in the detail of boundaries between individual territorial units (Sheppard: 1975, 73 and Fig. 1).

Having thus criticised the assumption that the boundaries on 19th century ordnance maps may be equated with those defining mediaeval territories, it is conceded that the large scale maps drawn by the Ordnance surveyors form the basic invaluable source for the reconstruction of earlier patterns of territorial organisation. They trace in great detail the lines then locally acknowledged as dividing the countryside into its ancient parishes, townships and hundreds and they captured on paper many boundaries which had never before been recorded other than in the minds of generations of local countrymen. It should be remembered that the pattern they show is specifically one of 19th century boundaries which, although having origins deep in the past

had continued to evolve until then.

Another problem in relating these 19th century boundaries to earlier territorial structure has been encountered in Ireland. Here it has been suggested that some of the townlands are

"late accretions which came into being as part of the effort made by the Ordnance surveyors to devise a network of small administrative divisions for the whole country." (Jones Hughes: 1970, 244-5)

Whether similar rationalisation of boundaries occurred in England is not known but the possibility must be borne in mind.

Related to this is the probability that in the upland parts of northern and western Britain where vast tracts of waste continued in existence until the agrarian revolution of the late 18th and early 19th centuries, precise boundaries across open moorland were not clearly defined until a relatively late date. Although arable land could be assigned easily to a particular land holder in a particular community, untilled waste over which the beasts of a number of adjacent communities grazed at will did not so readily assign itself to a particular community's territory. (The division of the waste between communities will be examined in detail in Chapter VII.) Surviving remnants of land "common to the parishes of A and B" in many parts of northern England serve as a reminder of this, and the not infrequent survival of place-names containing the element threap or threep (Threaplands) in Scotland and the Border counties may be interpreted as recording a "prolonged agreement to differ over a boundary line" (Barrow: 1976).

The possibility should be borne in mind that, particularly in the upland north and west of Britain, the concept (introduced at the beginning of this chapter) of the land surface parcelled out into a neatly bounded cellular structure might not have obtained until comparatively recently. In these areas an alternative model of core areas surrounded by indeterminate "marches" rather than clearly defined boundaries should be considered.

C. TOWNSHIP AND VILL IN NORTHERN ENGLAND

As a preface to Chapter IV which will examine the detailed history of the vills and townships of Copeland, an examination of the relationship of the 19th century northern English township to units of mediaeval territorial structure is presented here.

It has been argued and is generally accepted that the vill or township (now represented by the civil parish in local government structure) has been a very stable unit of territorial organisation, Pollock and Maitland concluding that:

"in general the vill of the 13th century is the 'civil parish' of the 19th" (1898, i, 560).

In the light of the problems of territorial reconstruction outlined above this conclusion deserves critical examination in the context of evidence from northern counties of England.

The Act of Parliament of 1889 constituting the civil parishes which still form the lowest level of the local government hierarchy, stated that a civil parish was to be

"a place for which a separate poor rate is or can be made" (stat. 52/53 Vict. c.63, sec. 5, quoted in Pollock and Maitland: 1898, i, 561n) and the history of the post-mediaeval township is inextricably bound up with the administration of the seventeenth century poor laws. The pattern for poor relief during the 17th to 19th centuries was laid by the Poor Law Act of 1601⁴ which established the appointment of overseers of the poor in every parish in England. By the middle of the 17th century pressure had been brought to bear on Parliament to allow the huge ecclesiastical parishes characteristic of northern counties to be subdivided into a number of smaller units for poor law administration, and the 1662 Act allowed for the appointment of overseers "within every Township or Village" in these areas⁵. The Ordnance Surveyors mapped these units of poor law administration as townships on the first edition 1:10,560 sheets, and we can fairly safely assume that these basic cells of territorial organisation represent the fossilisation by the 1662 Act of territorial entities in existence by the mid 17th century.

In southern England where ecclesiastical parish and poor law township were often coterminous it is often possible to trace a direct correspondence between these units and the mediaeval villa, suggesting a recurrent use of a basic grouping of population for administrative purposes. In upland northern England the correspondence is less clear: population was dispersed between small hamlets and scattered farmsteads and lacked the ready-made grouping of the nucleated village. The precise process of parochial sub-

division into poor law administrative units is not known, and a leap of faith is needed to equate the poor law township with the mediaeval administrative vill:- the names of some of the former (Forest Quarter, Park Quarter in Stanhope parish, Co. Durham; Low Quarter, Middle Quarter in Kirkby Ireleth parish, Lancs.) imply an origin as planned subdivisions of parochial units, while the mediaeval vill is generally conceptualised as an ancient discrete grouping of society, the produce of "natural growth and not constituted at the pleasure of higher authority".

(Vinogradoff: 1908, 475)

The mediaeval vill's administrative functions are well documented and have been neatly summarised by Vinogradoff:

"(The vill) is called upon to perform various administrative duties - to deliver evidence at inquests, to catch and watch thieves, to mend roads, to contribute in keeping up bridges and walls, to assess and levy taxes, to witness transactions etc."
(Vinogradoff: 1908, 475)

As such a vital cell in the organisation of local government the inhabitants of the vill may be regarded as "a community conscious and active in its own right" (Cam: 1950, 1) regardless of the patterns of manorial organisation imposed upon it. Once again we may contrast the inhabitants of a tightly nucleated village whose communal administrative obligations may be thought of as an extension of their communal agricultural operations, with the small scattered hamlet communities of the north and west.

In parts of England the response to a situation in which the units of settlement were too small to be utilised as administrative units seems to have been to group settlements together for policing and other purposes into larger

units referred to as villae integrae or "entire vills". When drawing attention to this term half a century ago, Lees quoted a 12th century example from Suffolk referring to the grouping of 24 vills (villae) into 6 leets que dicuntur ville integre (Lees: 1926, 102). Clearly, when interpreting a reference to villa de A the use of the term to describe an administrative unit which did not necessarily coincide with the basic unit of territory must be borne in mind. Since Lees' work little further exploration has been made into the relationship between administrative and settlement units, but her examples from Lincolnshire, Rutland, Nottinghamshire, Derbyshire and Suffolk show a wide distribution of the concept of the entire administrative vill, as opposed to the basic settlement unit, even in areas of village settlement. Although Lees does not quote examples from more northerly counties the concept of a larger administrative vill embracing a number of settlement units should be borne in mind when examining the territorial structure of parts of England characterized by hamlet settlement.

A contrasting response to areas of smaller settlement units is found in Ireland and the Isle of Man where mediaeval administrative structures seem to have been built directly on the small hamlet territories. The townlands of Ireland, territories covering on average about 400 acres (160 ha.) (compared with c 2000 acres (800 ha.) for the 19th century English township) and each bearing a distinguishing territorial name can probably be traced back as administrative

units to the mediaeval centuries in most cases (Jones Hughes: 1970, 244). Similarly the treens of the Isle of Man, each divided into quarter lands and of the same order of magnitude as the Irish townlands, were established at the latest by the early 16th century (Davies: 1956, 103).

Whatever the differences in scale and in precise administrative nature between the English vill and the Irish townland, they may both be conceived as fundamental cells of territorial organisation. Each unit is distinguished by its unique territorial name and in each country the designation of the basic territory as township, townland (villa, villata in Latin) suggests that certain features were common to both.

Where can upland areas of northern England, under the English administrative system yet frequently exhibiting settlement patterns more akin to Ireland and Scotland, be placed in relation to these contrasting models of mediaeval administrative structure? The identification of the villa integra by Lees suggests that the basic pattern of administrative cells need not replicate the pattern of basic territorial cells and, in order to provide a framework for the discussion in Chapter IV of the question posed above, attention is now turned to the evidence for the basic cellular structure of territories in the north of England in mediaeval centuries. After examining the meaning and use of the term villa in northern English contexts, the territorial names used in land charters to locate the land being granted - the locus ubi terra iacet⁶ - will be discussed and

related to the modern map in an attempt to reconstruct the approximate pattern of these basic territorial cells and their relationship to the post-mediaeval township.

When used in territorial contexts, the Latin villa is generally used to render the English words town or township, terms derived from the old English tūn, which has survived as by far the commonest element in English place-names. In his discussion of the meaning of tūn Smith (1956: ii, 188-198) has shown the wide range of senses in which it was applied. Essentially having the sense of an enclosed piece of land (i.e. a tract of territory defined by a boundary), its use was extended at an early date to describe a settlement, whether single farmstead or nucleated village. Thus when used to render words derived from tūn, the Latin villa would appear to describe a basic unit of settlement, a farmstead, hamlet or village and its appendant delimited territory.⁷

Such an interpretation would agree with Fortescue's description of a vill as he conceived it in the 15th century (see quotation above, p. 21), but a different complexion is put on the term by the 13th century lawyer, Bracton:

"As if a person should build a single edifice in the fields (in agris), there will not be there a vill (villa), but when in the process of time several edifices have begun to be built adjoining to or neighbouring to one another, there begins to be a vill" (Bracton: ed. Twiss (1883: iii, 394-5)).

This suggests that the term could only be applied to a clustered community living in close proximity as in a nucleated village.

The use of the term villa in northern England during the 12th and 13th centuries would seem to confirm Bracton's view. The occurrence of the word in Boldon Book (the survey of the Bishop of Durham's estates in 1183) tends to confirm that it was most readily applicable to village territories in areas of predominantly nucleated settlement. In the low-land east of County Durham, an area of large villages argued by Roberts (1973) to be the result of 12th century village planning, entries in Boldon Book usually begin: "In A there is"; "In B such a tenant holds so many oxgangs", but these place-names are referred back to as vills later in the survey. Thus:

"In Midelham and Cornford there are 26 villeins..... These two vills render 17 shillings and 4 pence cornage"

"Geoffery de Lutrington renders 20 shillings for his vill of Lutringtona"⁸.

In contrast, no vills are referred to in the survey's treatment of the Bishop's land in upper Weardale in the upland west of the county. The territorial names are given without any label to give them a particular status:

"In Wolsingham there are 300 acres which the villeins hold.....In Stanhopa there are 20 villeins...Ralf cautus holds Frosterley"⁹.

Specified neither as manor nor vill these names do, however, confirm the existence of separate named territories in this Pennine dale in the 12th century. By the later 14th century a list of free tenements in Wolsyngham (again specified neither as manor nor vill) includes the villa de Forsterley¹⁰ but it is impossible to say whether the change in status is due to settlement expansion or to a change in the use of villa.

Elsewhere in upland parts of northern England a similar testimony of territorial blocks, named but not referred to as villae is found in 13th and 14th century land charters and surveys. The "vills" identified by Smith (1961, 6) as constituting the shire of Blackburn (Lancs.) are found in the Inquisition of 1311 to be described by no more than their territorial names. Demesne land is described, for example, as lying at Standene or at Dounom, while the tenure of freehold estates coterminous with later townships is recorded by the formula:

"Hugh de Salesbury held Salesbury and Little Penhulton...
Sir Henry de Bury held Levesay"¹¹

Mediaeval charters from Scotland use phraseology very similar to that found in northern England. Only infrequently is the phrase in villa de A used when locating grants of land, the phrases in B or in territorio de C being more usual.¹² The striking similarities between northern English and Scots terminology are brought out forcefully in 12th and 13th centuries deeds which grant whole named territories. Compare the English grants of:

Flemingby, by its right bounds (late 12th cent.,
Flimby, Cumb.)¹³

terram de Lintheved per illas divisas (1220x1246;
Lindeth, Westmorland)¹⁴

and totam Scafthwait et Egtone...per istas divisas

(1246; Scathwaite, Egton; in Furness, Lancs.)¹⁵

with the Scottish ones of:

Rosinclerach cum rectis divisis suis (1160x1162; Rossie,
Gowrie)¹⁶

tota terra illa que vocatur Tholaw per suas rectas
divisas (1211x1231; Tulach Hill, Perthshire)¹⁷
and Culezin et terra de Abernithin (1208x1210; Colzie,
Abernethy parish, Perthshire)¹⁸

All speak of named and bounded blocks of territory, although none is described as a vill.

In an attempt to assess the relationship of such territories as these, identified from mediaeval land charters, to the pattern of townships given in 19th century sources, an examination of the place-names used in the chartulary of Fountains Abbey (Yorks. West Riding) has been carried out. Of 90 territorial names¹⁹ used to locate grants of land in the chartulary, 60 occur again as the names of townships, chapelries or parishes in the 1831 Census Enumeration Abstract. A further 8 survive as one element in a composite township name, as in the examples of Renyngtona which no longer appears as a separate territorial division, but is a joint member of Rainton with Newby township (Topcliffe parish); and Swynton which has become a constituent element of Swinton with Warthermaske township (Masham parish)²⁰. Although continuity of territorial extent cannot be proven without extensive searching for mediaeval boundary details in an attempt to relate these to 19th century township boundaries, the evidence of deeds in the Fountains chartulary suggests that about three-quarters of the names of vills and territories used to locate land in the early mediaeval period are repeated in the names of the basic cells of territory used as administrative units in the 19th century.

When the remaining 22 names used in the chartulary to locate grants of land are related to the modern map they are generally found to represent smaller territories, frequently covering of the order of 500 - 1000 acres (200-400 ha.). Thus, along the Pennine foothills to the west of Ripon where the Abbey received numerous grants of land, the territorial names of the 12th and 13th centuries are often repeated on modern maps in the names of hamlets, farms and minor features clustered within one part of a latter-day township, a pattern which suggests that they were clearly-defined territorial entities whose boundaries have been lost since they were not used as administrative units in subsequent centuries. Around Kirkby Malzeard for example a number of such territories may be reconstructed approximately and compared to the later pattern of townships (see Figure 2.2). The township of Azerley, for example, includes both the mediaeval territory of Brahtwait (now represented by Braithwaite Hall) and the territory of Galghagh (centred on the village of Galphay)²¹. Similarly all Bramleia is to be identified with a group of place-names around Bramley Grange in the western part of Grewelthorpe township, while the vill and territory of Carlemor appears by a similar association of place-names to form the north-western section of the township of Laverton²².

Such territories, so much smaller in size than the typical English township, may be compared with those which appear to have formed the basic territorial structure of much of southern Scotland. Lebon's work on the development of the Ayrshire landscape during the 18th century agricultural

revolution has identified such a pattern of small, named territories as forming the basic divisions of the landscape of that area from the mediaeval centuries (Lebon: 1946, 104-110). Figure 2.3 reconstructs territories named in a 13th century grant of land in Angus to the Abbey of Coupar-Angus. The Abbey was granted Kyncrey (now Kincreich) and part of the territory of Lur (now Lour), the description of the limits of the latter including reference to the bounds between Lour and Inverarity, and between Lour and Meathie^{2,3}. All these places lie in or adjacent to the parish of Inverarity and, although the details of the boundaries between the ancient territorial blocks cannot be reconstructed, Figure 2.3 shows that they are to be ranked in order of magnitude with the smaller divisions identified in the Pennine foothills west of Ripon (Fig. 2.2) rather than with the typical English 19th century township.

On the basis of these examples it is suggested that the structure of the large ecclesiastical parishes of upland areas on either side of the Border was essentially similar. In mediaeval centuries each contained within its perimeter a number of small territories each described by its distinguishing place-name. In England, where the parish was subdivided for the purposes of civil administration in the post-mediaeval period, these constituent territories were frequently, but not invariably, taken and used as poor law townships. Where this did not occur the precise bounds of the basic mediaeval territories have generally been lost but their identification is still possible (as it is in the Scottish ecclesiastical parish) in the names of groups of

hamlets, single farms and other features (pieces of moorland, woods, water courses) clustered within one section of a later township.

On an examination of mediaeval evidence, therefore, the similarities in acreage between the 19th century townships of northern and southern England appear less well founded. In upland parts of northern England the township would seem occasionally to embrace more than one early mediaeval cell of territory. When to this is added the apparent uncertainty in the precise meaning of the term villa in upland areas of the north, a number of important questions arise which suggest that Pollock and Maitlands' hypothesis (that the 19th century civil parish can be equated with the 13th century vill) deserves critical examination in the light of detailed evidence from an area of northern England. The questions raised in this section provide a starting point for the examination of township and vill in Copeland which will be presented in Chapter IV.

D. MANOR AND SHIRE: TENURIAL MODELS OF TERRITORIAL STRUCTURE IN MEDIAEVAL BRITAIN

The discussion so far has concentrated on the concepts and problems of reconstruction involved in an analysis of the division of a tract of land into basic territorial cells. Attention is now turned to the grouping of these discrete cells into larger territorial structures.

The grouping of townships into hundreds, wapentakes and wards has been noted. In southern England these larger units originated as jurisdictional and administrative divisions, their origins lying deep into Anglo-Saxon times and their functions in some respects being superseded in the mediaeval centuries by the unit of feudal lordship - the manor. The origins of the northern wards are not known, although Barrow (1975) has recently shown that the wards of north-western England appear to coincide with other early territorial groupings suggesting an indigenous origin rather than artificial superimposition. Copeland is one such ward and the following discussion forms an attempt to provide a broader context within which to view the detailed analysis of the structure of mediaeval Copeland which is undertaken in Chapter III.

Much of the evidence for patterns of mediaeval territorial structure comes in the form of documents concerning feudal land tenure, central to which is the concept of the manor (Latin manerium). Although the origins of the manor lay in Saxon times it was taken as a model by the Norman lawyers who "manorialised" the whole country by describing all land-holding patterns in manorial terms. As will be shown, the model manor could be applied most readily to the tenurial and settlement patterns of southern England, while the northern situation frequently became confused by attempts to describe and explain it in terms of traditional manors. Recent work in the north has identified a system of land tenure and territorial structure based on larger units of overlordship and covering vast tracts of territory (frequently

approximating to the hundredal groupings of townships) which may be embodied in an alternative model, that of the shire or multiple estate. This model is essentially pre-Norman and crumbled under the volley of attempts from the Norman Conquest onwards to describe it in terms of the classic manor.

In providing a framework within which to discuss the evidence for territorial organisation in mediaeval Copeland in subsequent chapters, both paradigms must be discussed: the shire model as that proposed for most adjacent areas; the classical manor as the blue-print in terms of which remnants of shire organisation are described in contemporary documents.

i) The Manor

The exact meaning of the term manerium has worried scholars of successive generations, and seems superficially to have varied considerably over space, and to have changed through time. Reduced to essentials both Stenton and Maitland agreed that there is a general correspondence between manerium and the terms mansio, aula, capitale messuagium and heafod botl, suggesting that the existence of a lord's hall was the essential prerequisite of manorial status (Stenton: 1910, 57; Maitland: 1960(1897), 141-143). The manor was thus a unit of lordship, an estate under the control of the lord's hall, or "head house".

The manor as traditionally conceived was a compact estate, coincident in extent with the economic territory of a village community - the secular vill or township. The manor's land was divided between lord and tenants, the

demesne forming the lord's home farm and worked by the unfree village population. The origins of this division of village territory between lord and peasants can be seen in the distinction between inland and gesettland ('demesne' and 'peasant land') found in Anglo-Saxon charters in southern England (Aston: 1958), and suggest that the system imposed by the Norman lawyers was not alien to the pre-existing system in that part of the country.

The correspondence between the territories of manor and vill postulated in this model obtained only in certain cases even in areas of village settlement. Sir Paul Vinogradoff succinctly summarised the situation described by Domesday Book:

"the manor, being originally a unit of property and not of settlement, could stand in all sorts of relations to the organic unit of the township; it could include one or several, but could also share with another manor, or several, the basis of a single township." (Vinogradoff: 1908, 394)

The manor is essentially a unit of land holding - a set of proprietary rights in the land - and as such need not have a compact territorial extent, in contrast to the vill or township which formed the basic territorial unit.

ii) Northern Britain: The Shire or Multiple Estate

In marked contrast to the classical manor both in scale, in the disposition of demesne land and tenant land, and in relation to the settlement pattern is the alternative model of lordship - the shire or multiple estate. The early examinations of manorial structure in northern England by Stenton (1910) and Jolliffe (1926) have recently been built on by further detailed examinations by Barrow (1969; 1973;

Ch. I) and Jones (1965 ; 1971; 1976) which enable the distillation of much diverse evidence into a model of pre-Norman territorial organisation common to much of northern and western Britain.

The shire or multiple estate²⁴ is a federal grouping of discrete rural communities and their territories, linked by common overlordship and its attendant dues and services to a central place - a seat of seignorial administration represented in physical and institutional terms by the lord's hall and court. Common lordship also affected the economic organisation of the shire, the constituent township communities often being bound together by intercommoning their beasts on the shire moor, or by being tied to a central shire mill.

As a unit of overlordship the multiple estate need not have a compact physical form and may instead consist of a number of non-contiguous villas, but Barrow's maps of shires in south-east Scotland (1973: Ch. I, maps 5, 7-9, 12), Jones' examples of multiple estates in Yorkshire (1965, Fig. 1; 1976) and Darby and Maxwell's maps of federal estates in the Domesday survey of northern counties (1962: e.g. Figs. 22 (Gilling and Northallerton, Yorks.); 58 (Mansfield, Notts.); 73 (N.W. Derbyshire)), suggest a generally compact shape. The number of constituent territories embraced within the shire seems to have varied widely: in Welsh legal theory the 'multiple estate' (maenor) was to consist of 4 'townships' (treffi) (Jones: 1973, 431) but in practice those Welsh examples quoted by Jones (1971: 252) contain between 7 and 14 townships. The large federal estates

described by Domesday Book in Lancashire and Yorkshire embrace even more constituent territories: Blackburnshire (Lancs.) embraced 28 named elements (Smith: 1961, 21) while Allertonshire (N.Yorks.) covered 10 berewicks and 24 sokelands (Stenton: 1910, 69-70). Although rarely examined in detail or stated explicitly, it is generally implied that these constituent elements were equivalent to the basic mediaeval vills. In terms of acreage the size of these federal groupings seems to have varied widely. The Bishop of Durham's estates in north Northumberland, retaining the names Islandshire and Norhamshire and considered by Barrow (1973: 28) to represent the fossilisation of early shires, cover 26,820 acres (10,854 ha.) and 18,810 acres (7,612 ha.) respectively. At the other end of the scale the wards of Allerdale and Copeland in Cumberland, which exhibit similar tenurial characteristics to the shires of Northumbria (Barrow: 1975, 121-2), are ten times as extensive, containing 170,400 acres (68,960 ha.) and 275,970 acres (111,685 ha.) respectively. Such wide variations in the scale of territorial groupings with common features suggests that careful comparative study of contrasting shires is called for.

The origins of the shire or multiple estate are probably ancient and to be sought in the Celtic cultures of this island before the Anglo-Saxon settlements. Jones (1971) has shown the remarkable similarities between patterns of lordship in Wales and Northumbria, and from his detailed analysis of the evidence for early patterns of lordship throughout Britain, Barrow (1973: Ch.I; 1975, 136) concludes

that traces of organisation akin to the Northumbrian shire were found over much of northern and western Britain, although he is cautious about ascribing Celtic origins.

Whatever the origins it seems probable that the Norman manorial terminology was imposed upon the remains of shire organisation in much of the north of England. Domesday descriptions of this pattern of land-holding in northern counties use the term manerium to describe the federal grouping, the name of the lordly centre being used to differentiate one shire from another. Early mediaeval charters in Scotland use a formula consisting of "a place-name, usually indicating the chief hall, followed by the phrase cum omnibus appendiciis suis" to describe similar patterns, although the phraseology of the mid-12th century grant of four royal maneria in Gowrie²⁵, interpreted by Barrow as referring to the transfer of four shires, bears similarities to the English phraseology (Barrow: 1973, 24,60).

The structure of the northern manerium which was a multiple estate is markedly different from that of the traditional southern manor. The maneria of Yorkshire and Lancashire contained within their jurisdiction a number of constituent townships referred to in Domesday Book as berewicks or sokelands, the former held in demesne by the lord of the shire, the latter held freely by mesne lords owing suit of court to the caput of the shire (the overlord's seat). The distinction between demesne land and tenant land seen in the classic manor is thus also found within the shire, although the distribution of demesne is very different. Instead of a portion of the land in each

vill being held in demesne, the lord's land is concentrated in certain parts of the multiple estate, whole berewicks being reserved to his use, while he may have no land under his direct control in the sokelands (Stenton: 1910, 59-61).

The sokelands ("homage vills" as opposed to "demesne vills" in Smith's (1961: 6) terminology) appear by the 13th century to resemble the traditional manor of southern England. Their lord is the mesne lord, who in turn holds his land from the chief lord of the shire, and he is often found to control both free and bond peasantry on his sokeland. The land of such homage vills could again be divided between lord and peasants into demesne and tenant land.

When considered in terms of feudal lordship both the overall territory of the shire and its constituent berewicks and sokelands may be described as manors: the homage vills focus on the courts of their mesne lords, while the whole shire is centred on the chief lord's court. This duality is reflected in the confusion over the use of manerium seen in the Domesday survey of parts of northern England:

"In Newton (Lancashire) there were 5 hides T.R.E. The other land of this manor 15 men, who were called drengs, held as 15 manors, but they were berewicks of this manor."26

Manorial terminology did not sit easily on the patterns of lordship found in these areas.

The large territory covered by the multiple estate often coincided with other early units of territorial organisation. Barrow has demonstrated how the large units of feudal lordship in Galloway and Cumbria, each of which "possessed an obvious physical or geographical unity and identity" (1975: 122) and was labelled by a descriptive

territorial name (Annandale, Allerdale, Kendale), coincided with the rural deaneries of the 12th and 13th centuries. In other areas of northern England a similar concordance has been noted between multiple estates and the extensive parishes of early minster churches (Jones: 1971, 266).

The multiple estates represented by the large Domesday maneria of Lancashire and Yorkshire frequently coincide with the grouping of townships into wapentakes and hundreds. The Lancashire hundreds of Newton, Warrington and Leyland were each represented by one large manerium and its dependent berewicks, and from the place-names given in Domesday Book, a similar coincidence has been suggested in the hundreds of Blackburn and Salford along the Pennine slopes (Darby and Maxwell: 1962, 394; Smith: 1961, 21). In her detailed treatment of evidence for the relationship between manor and hundred, Cam (1932) has set these examples of northern English Domesday manors in a broader context. From many parts of England in the 12th and 13th centuries she found examples of the tenure of a particular manor carrying with it jurisdictional rights over a hundred. Her conclusion that such relationships represented "the last traces of a system of administration going back to the ninth century or even earlier", a system which she saw as "indigenous in Wessex" (Cam: 1932, 376), and Barrow's more recent postulation that patterns of lordship akin to that seen in the Northumbrian shire are found over much of Great Britain (Barrow: 1973, 7-27) suggest that the hundredal groupings of villas may reflect ancient tenurial patterns in many parts of Britain.

These overlapping patterns of early tenurial, ecclesiastical, and administrative spatial organisation suggest that the model of the shire or multiple estate provides a useful framework within which to examine the territorial structure of mediaeval Copeland in Chapter III.

C H A P T E R I I I

THE STRUCTURE OF MEDIAEVAL COPELAND

The preceding chapter has reviewed the work of Geoffrey Barrow and Glanville Jones in synthesising the evidence for patterns of mediaeval feudal lordship in the north and west of Britain, and in postulating the model of a federal manor (termed shire by Barrow, and multiple estate by Jones) as the typical territorial framework of these areas in early mediaeval times.

It was noted that, although no explicit attempt has been made to assign a typical acreage to these shires, they appear to have varied widely in extent; the contrast being drawn between Northumbrian examples of shires of the order of 20,000 acres (8270 ha), and the ancient secular divisions of Cumbria containing of the order of 200,000 acres (82,750 ha).

In his recent paper Barrow has drawn attention to those large divisions of Cumbria and south-west Scotland, noting their nature as "primarily geographical divisions with 'natural' boundaries - watersheds, rivers, the sea" (1975, 127) and arguing their antiquity by noting their recurrence as 12th century secular and ecclesiastical divisions.

This chapter seeks to examine in detail the territorial structure of Copeland, one such ancient division of Cumbria, in an attempt to provide a firmer foundation for comparison with the shires of Northumbria. After summarising evidence from a variety of sources for the early existence of Copeland as a cultural entity, its internal patterns of jurisdictional, tenorial and ecclesiastical organisation will be described, taking the evidence of Quo Warranto pleadings, inquisitiones post mortem and the papal taxation of 1291 as starting points in each of these fields.

To enable a considerable amount of this detailed local evidence to be included at various stages in the discussion, the broad argument running through the chapter is presented in double-spaced typing while discussions of the detailed evidence on which this is based is presented in closer type.

A. THE EARLY HISTORY OF COPELAND

The division of Cumberland for administrative purposes into the five large wards (see Fig. 3.1) can be traced back to 1278 when the ballive of Allerdale, Cumberland, Eskdale and Leath, and the libertas of Copeland are listed in the Assize Roll.¹ Although their origins are obscure, the existence in western Cumberland of territories bearing the same names as the later wards can be inferred from the earliest documentation. The mid-12th century grant saluting "all the men of Allerdale and Copeland"² may be compared with Gospatric's mid-11th century writ granting freedom in "all things that are mine in Alnerdall"³ and the early 12th century description of the church of St. Bees as being situated in Caupalandia.⁴

The name Copeland is generally applied to the southwestern division of Cumberland between the rivers Derwent and Duddon; an area coterminous with the later ward of Allerdale Above Derwent. In tenurial terms this area consisted of, first, the Barony of Copeland or Egremont⁵ (including a second element, the semi-independent but feudally subservient Seignory of Millom⁶) and, thirdly, the Honour of Cockermouth. This last block was totally independent of the Barony of Egremont in tenurial terms, but its inclusion in the original territory of Copeland is suggested by the local tradition, incorporated in the late 13th century Chronicon Cumbrie, that William Meschin, the first Norman lord of Copeland, granted the constituent parts of

the Honour of Cockermouth - the Five Towns near Cockermouth, and the land between the rivers Cocker and Derwent - to Waldeve, lord of Allerdale⁷. The description in 1259 of the Five Towns as quinque villae de Caupland⁸, and an early-14th century reference to places in the Newlands valley, between Cocker and Derwent, as being in Coupland⁹ would appear to confirm the inclusion of the Honour in the ancient territory of Copeland.

The name was also borne by the rural deanery of Copeland, a constituent element of the Archdeaconry of Richmond in the Diocese of York. The returns for the papal taxation of 1291 confirm that the deanery included all the parish churches within the secular division of the same name, but the inclusion of parishes in Furness under the heading Decanatus Coupland implies that the deanery also extended south-east to cover Lancashire North of the Sands¹⁰ (cf Fig. 3.1). By 1535 Furness and Cartmel had been constituted as a separate deanery¹¹, and reference elsewhere in the 1291 Taxatio to the Decanatus de Couplandie et Furnesse¹² suggests that, although administered as a single deanery at that time, it embraced (like the neighbouring deanery of Kendale and Lonsdale) two separately-named constituent elements. Indeed, in 1311 we find reference to "the deanery of Furneys and Coupland divided into two parts"¹³ and it would seem reasonable to conclude that the inclusion of the parishes of both Furness and Copeland within a single deanery in 1291 need not imply that the name Copeland was ever generally applied to the Furness district.

One important anomaly between secular and ecclesiastical divisions does occur, however. The townships of Above Derwent and Borrowdale, part of the land between Cocker and Derwent and within Allerdale Above Derwent Ward, fall within the parish of Crosthwaite in the Diocese of Carlisle. The significance of this discrepancy will be discussed below (p. 83), but it does not invalidate the general conclusion that the name Copeland was applied from the dawn of documentation to that geographical area bounded by the valleys of the rivers Derwent and Uddon.

The history of Cumberland in the centuries either side of the Norman Conquest of England reveals in Copeland an independent nature almost unique in England. The scanty and conflicting evidence for the absorption of the area into England was worked over thoroughly by Rev. James Wilson in his perceptive introduction to mediaeval Cumberland in the county's Victoria History¹⁴. The evidence which he presents and his conclusions drawn from it form an invaluable base from which to begin an examination of the nature of Copeland in the early mediaeval centuries.

The political history of Cumberland from 10th to 12th centuries may be summarised briefly as follows. In 945 Eadmund, King of the West Saxons, ravaged the British Kingdom of Strathclyde and gave it to Malcolm, King of Scots. Although taken into English control by William Rufus in 1092, the Scots continued to claim suzerainty over the area until its final recovery by Henry II in 1157 (Wilson, 1901; 298-9). Whatever the theoretical political position of the area in

the mid-11th century real local power appears to have lain with the Northumbrian aristocracy, the earls Gospatric and Tostig apparently being substantial landholders at that time (Kirby, 1962; 92-94).

It is when attempting to determine the southern limits of the former Kingdom of Strathclyde (the boundary between English and Scottish suzerainty at the time of the Norman Conquest) that the evidence becomes contradictory. Skene (quoted in Wilson, 1901; 295n) argued that the River Derwent formed the western part of this boundary, and the fact that the boundary between the diocese of Carlisle (carved in 1133 from the ancient diocese of Glasgow which covered most of Strathclyde (Barrow, 1973; 142-8)) and York follows that river would appear to support the view that Copeland's affinities were towards England rather than towards Scotland. Wilson, quoting the evidence of a late-13th century statement that the southern boundary of Cumbria in 1069 included the Diocese of Carlisle and the land "from the Diocese of Carlisle as far as the River Duddon" (i.e. Copeland), and noting the existence of charters of David, King of Scots (1124 x 1153), concerning land in Copeland, argued that Skene's conclusions were not tenable (Wilson, 1901; 299-300). He also points out that there was a strong tradition in Copeland that it was William I rather than William Rufus who took the area into English control¹⁵, a contention which would seem to be supported by the inclusion of certain villis near Millom in the extreme south of Copeland in the Domesday survey¹⁶. In the face of this contradictory evidence

Wilson's only conclusion could be that:

"Cumbria south of the Derwent had been wrested from the Scottish King and absorbed into Yorkshire before the date of the Domesday Survey" (Wilson, 1901; 300)

This still leaves unanswered the question of why these few villas near Millom, but no other places in Copeland, are listed in Domesday Book.

Despite these problems the general conclusion must be that Copeland's political history at this time was separate and different from that of the remainder of the later county of Cumberland. The 12th century county of that name comprised the whole diocese of Carlisle, the land taken by William Rufus from Dolfin at the fall of Carlisle in 1092. Copeland was still reckoned as a separate administrative division in a rota of itinerant justices in 1176 and was not finally included in the accounts of the sheriff of Cumberland until 1178 (Wilson, 1901; 310), although it continued to be referred to as the county of Coupland in some subsequent Pipe Rolls¹⁷.

Even when theoretically fully integrated into the county's structure in the 13th century Copeland's independent origins are seen. Royal interest in the area appears to have been minimal, the lords of its constituent liberties replacing the Crown as collectors of the ancient royal due of cornage¹⁸. Thus the list of royal rents issuing from the county in 1278 excludes Copeland and states that

quatuor Ballive sunt in ista Comitatu (i.e. Cumberland)
scilicet Balliva de Allerdal que reddit per annum
domino Regi. xij. marcas Balliva de Cumbr' que reddit....
viij marcas. Balliva de Eskedal que reddit....viij.
marcas. Balliva de Lyth reddit viij. marcas.¹⁹

Although Copeland later became the fifth ward of the county, it is worth pointing out that nowhere in this earliest assize roll is the term balliva linked to it.

To speak of the Kingdom of Copeland in the 11th century would be to overstep the limits of the evidence, but its unique position in the political and tenurial history of the north-west raises important questions about the status of the pre-Norman Lord of Copeland whose place was taken by William Meschin and his descendants. At the risk of speculation, attention may be drawn to the name of the territory itself: Copeland is an Old Norse name derived from Kaupaland, meaning "bought land" as opposed to odalsjord, "land passed by customary law" (PNC:i;2). The interpretation of this unusual appellation for a block of land covering over 426 square miles (1100 sq.km.) is difficult, but it is suggested that it was some feature of its tenure - the fact that it was "bought" rather than inherited - that gave the area its particular identity in the eyes of a Norse-speaking population. The political history of Cumberland in the 10th to 12th centuries summarised above makes no mention of the Hiberno-Norse settlers whose considerable influence in the settlement of Copeland is attested by the high concentration of Old Norse elements in the place-names of the area. The River Derwent seems to form an important boundary in the distribution of place-name elements in the county, a marked decrease in Old Norse elements occurring to the north (PNC: iii; map in cover). Can we envisage in 11th century Copeland a block of territory "bought" by the Norse settlers, an independent "kingdom"

governed by a Norse-speaking ruling class, tenurially and to a certain extent linguistically separate from the remainder of Anglo-Scottish Cumbria, dominated then by the Northumbrian aristocracy?

On the evidence presently available the speculative nature of this question must be admitted, but it seems clear that Copeland existed in the 11th century not only as a clearly-defined and named territory, but as a cultural entity with a history independent of that of surrounding areas.

B. THE FEUDAL STRUCTURE OF MEDIAEVAL COPELAND

The three-fold subdivision of Copeland in tenurial terms (into the estates centred on Cockermouth, Egremont and Millom) has already been alluded to and it is now proposed to examine these divisions in detail. The method is to compare the jurisdictional structure of Copeland as described in late-13th century Quo Warranto pleadings with the area's tenurial structure as described in contemporary inquisitiones post mortem. Evidence for the antiquity of the patterns identified c1300 will be presented and an attempt made to compare these patterns with those associated with Northumbrian shires.

i) Jurisdictional Structure : Figure 3.2

From the Quo Warranto pleadings of 1291, the pattern of jurisdiction in Copeland (reconstructed in Figure 3.2) is seen to comprise three liberties, areas over which the

feudal lords claimed exceptional jurisdictional privileges. These are: the Lordship of Egremont or Copeland; the Seignory of Millom, technically held under the Lordship of Egremont but jurisdictionally independent; and the Honour of Cockermouth.²⁰ This last, as has been noted, is traditionally reckoned to have been hived off from the bulk of Copeland soon after William Meschin's accession to power there c1100 and granted to Waldeve son of Gospatric, lord of the adjacent territory of Allerdale. The implication of this tradition is that the Lord of the Honour of Cockermouth would be feudally subservient to the Lord of Copeland, and it is worth noting that Meschin is indeed found confirming Waldeve's grant of Stainburn (within the Five Towns) to the Priory of St. Bees around 1130²¹. Despite these implications of feudal subservience, however, the lords of Cockermouth are found to be clearly established as tenants - in-chief of the Crown by the 13th century,²² and by 1291 there appears to be no jurisdictional overlap between the lords of Egremont and Cockermouth as the table below shows. Moreover, Thomas de Multon, Lord of Egremont, claimed his privileges:

per totam Coupeland exceptis villis de Dene,
Brigham, Clifton, Eglisfeld, Staynburn et
Craykesothen.²³

In contrast to the virtually total separation of jurisdiction between the liberties of Egremont and Cockermouth is the semi-independent position of the Seignory of Millom. The manor of Millom was held of the Lords of Egremont by service of one knight's fee,²⁴ but it is clear from the Quo Warranto pleadings that its position was very different from

that of other estates held by mesne tenants in Copeland. As the table shows, the lords of Millom claimed a wide variety of privileges over all the land between the rivers Esk and Duddon²⁵ and although the separation of jurisdiction was not as complete as that between Egremont and Cockermouth in terms of the variety of privileges claimed, the Seignory of Millom appears to be a liberty within a liberty.

PLACITA DE QUO WARRANTO: PRIVILEGES CLAIMED IN COPELAND

<u>Privilege Claimed</u>	<u>Cockermouth</u>	<u>Egremont</u>	<u>Millom</u>
Return of writs	AB	A	
Pleas of prevention of distress	AB	AB	
Wreck of the sea		AB	C
Gallows	A	AB	AB
Assize of bread	A	AB	
Assize of ale		B	B
Free chase	A	AB	ABC ,
Weyf		B	C
Infangethief	B	B	BC
Outfangethief	B	B	
Chattels of fugitives and felons	B	B	BC ²⁹
Coroner	B	B	C

Sources: A - 1278²⁶, B - 1291²⁷, C - 1511²⁸

The pattern of jurisdictional rights claimed by the three main lords show that in such important, and generally

royal, preserves as the ability to appoint a coroner, erect a gallows, and exercise hunting rights over a free chase, Copeland was divided into three distinct units, bounded, with the exception of the boundary between the Five Towns and the Lordship of Egremont, by the courses of major rivers.

The antiquity of this pattern of rights is suggested by the 13th century pleadings when Crown complaints that these rights were royal preserves³⁰ met with the incontrovertible claim, endorsed by the local jury, that the rights had been held

a tempore conquesto Angliae, set nesciunt quo
warranto³¹

Similar pre-Norman origins for the jurisdictional pattern outlined above are suggested by the evidence from each liberty within Copeland for a peace-keeping system based on itinerant patrols of serjeants of the peace whose Celtic origins and wide distribution over northern and western England and in Wales have been discussed by Stewart-Brown (1936, 87-90). The system is best documented in the lordship of Egremont where two serjeants patrolled the northern section between the rivers Ehen and Derwent, and another two patrolled the southern part between Ehen and Duddon³². The serjeants received hospitality as the lord's officers within each vill in turn as they perambulated their area of jurisdiction. Thus in the grant of the later township of Mosser to Adam de Moserthe c1203, Adam and his heirs must:

pascere unum landsergentem et virum suum et equum
suum ad tornum suum com communitate feodi mei...
inter Egre et Derewent et debent invenire predicto
landsergenti testem usque ad proximam villam secun-
dum usum Caupeland.³³

The circuits of these four serjeants did not cover the whole of the lordship, however, as the upland free chace appears to have been patrolled by a group of foresters, five being mentioned in a plea of 1203³⁴.

A similar system of peace-keeping appears to have operated in the liberties centred on Cockermouth and Millom, although it is less clearly documented for these areas. The circuit of the lord of Egremont's serjeants between Ehen and Duddon presumably included the seignory of Millom, as one of the services due from the lords of Millom was the sustenance (or puture) of two serjeants every ninth day³⁵. However, the quittance in 1292 of services due from Furness Abbey to John de Hodeleston, lord of Millom, for their land at Brotherilkeld in Eskdale included puture of foresters and serjeants³⁶ suggesting that the lords of Millom had their own officials patrolling their liberty between the rivers Esk and Duddon.

In the Honour of Cockermouth foresters patrolled the Derwentfells area between the rivers Cocker and Derwent³⁷ but references to serjeants of the peace in the Five Towns area are scanty. Indeed the freeing of the burgesses of Cockermouth from making testimony to serviencibus in the borough charter of c1200³⁸ is the only reference known.

The pattern of jurisdiction in Copeland seems clear, a separate system of foresters and serjeants operating within each of the three liberties, and the lordship of Egremont itself divided by the River Ehen into two areas. Four jurisdictional divisions can thus be identified the

boundaries between them (with the exception of part of the five towns) following the courses of the main rivers.

ii) Tenurial Characteristics of these Liberties: Figure 3.3

The liberties identified above were also units of lordship within each of which all land was bound, directly or indirectly, strongly or weakly, to the estate centre or caput by a pattern of tenurial links closely comparable to those described in Chapter II as typifying the Northumbrian shire. The pattern of tenurial links within these lordships c1300 (see Fig. 3.3) exhibits certain recurrent characteristics. In each estate a clear distinction may be drawn between the tenurial patterns of the free chases of the Lakeland fells and valleys, and the peripheral lowlands. In these latter areas a repeated pattern of the admixture of demesne land, villis in the hands of tenants at will, and villis held by mesne tenants is found in each lordship. The patterns found in upland and lowland areas at the turn of the 14th century may be described briefly before considering the evidence for change or stability in these patterns from the beginning of documentation.

Figure 3.3 is an attempt to summarise the tenurial characteristics of individual villis in Copeland as they are described in late-13th and early-14th century inquisitions and deeds. It shows both the relationship between the federal manors and the three liberties identified above from Quo Warranto pleadings, and the spatial distribution of demesne, customary and freehold land in each lordship.

By 1300 the simple relationship between federal manor and liberty no longer obtained. In addition to the federal manors focussed on the castles of Cockermouth, Egremont and Millom were the manors of Braithwaite and Balnes (approximately coincident with the modern township of Loweswater) held of the Crown in chief by the Lucy family, lords of half the Honour of Cockermouth. It will be argued below that these Lucy manors were the result of 12th and early 13th century partitions of the lordships of Cockermouth and Egremont.

The most prominent feature of the tenorial pattern of Copeland c1300 is the designation of most of the Lakeland valleys and fells in each liberty as forest or more accurately, free chase³⁹, areas reserved for the hunting pursuits of the lords of Cockermouth, Egremont and Millom. The Assize Roll of 1278 makes clear that a free chase pertained to each lordship and that, as with the other privileges claimed by the lords, the origins of these hunting preserves were lost from memory by the later 13th century:

Thomas filius Lamberti de Molton (Lord of the Barony of Egremont) et Alicia de Lucy et Comitissa Albemarle (joint lords of the Honour of Cockermouth) et Johannes de Hodeleston (lord of the Seignory of Millom) habent liberas chacias infra Coupland et ipsi et antecessores eorum ipsius rationabiliter usi sunt a tempore Conquesto Angliae etc. Set nesciunt quo Warranto.⁴⁰

Although free tenants are found in Derwentfells (Fig. 3.3, 1a and b - the free chase of the Honour of Cockermouth partitioned between the Fortibus and Lucy coparceners), their complete absence from the free chases pertaining to Egremont and Millom, in which only communities of tenants at will are found, is a reminder of the direct control exercised by the chief lords in these hunting preserves.

The extent of these free chases, as far as can be gauged from contemporary documentation, may be summarised briefly as follows:-

a) the free chase of Cockermouth: represented by the terms "forest of Derwentfells" and "forest between Cocker and Derwent"⁴¹ which were probably interchangeable. That this area included all the land between the two rivers from Setmurthy south to Borrowdale is suggested by the inclusion of all townships in this area in lists of turnsmen sent to the 15th century court capital of Derwentfells,⁴² and is partly confirmed by the places listed in a survey of the Fortibus' chase of Derwentfells in 1270.⁴³ The free chase was partitioned between the Lucy and Fortibus parceners of the Honour of Cockermouth in 1247.⁴⁴

b) the free chase of Egremont, generally called the "forest of Copeland"⁴⁵. The details given in the partition of the free chase between the three co-heiresses of John de Multon in 1338 (see Liddel, 1966, 116-7) confirm that it included the later townships of Ennerdale, Kinniside, Netherwasdale and Eskdale and Wasdale as well as the extra-parochial block of waste which retains the name Copeland Forest. After partition the chase was divided into three wards: Ennerdale Forest; Middleward (Kinniside and Netherwasdale townships); and Eskdale Ward (Eskdale and Wasdale township)⁴⁶.

c) the free chase of Millom, referred to as the "forest of Ulpha"⁴⁷ or the "forest of Millom"⁴⁸ in the early 16th century. The bounds of the "forest of the Manor of Ulphoy" in 1512 suggest that the free chase was coterminous with the later township of Ulpha⁴⁹ and a late-12th century grant apparently referring to Ulpha, and endorsed pro libertatibus infra forestam de Coupl⁵⁰ would seem to confirm that the free chase included Ulpha at this time. However, the description of Furness Abbey's possessions at Brotherilkeld and Lingcove in Birker and Austhwaite township as lying within the forest of Millom in the later 13th century⁵¹ suggests that the 13th century extent of the free chase may have been greater than the 16th century boundary details would allow.

In contrast to the free chases, the coastal lowlands consist of a mixture of demesne land, villis held by customary

tenants directly from the chief lords, and "homage villis" (the freehold estates of mesne lords, often held by the ancient dues of cornage and seawake). The salient feature of the tenurial patterns of the coastal lowlands at this time is the concentration of demesne land and land held by customary tenants in the vicinity of the estate centres. Although the lords of Egremont had customary tenants as far away from Egremont as Distington, Drigg and Gosforth, all their demesne land and substantial communities of customary tenants (custumarii, tenentes ad voluntatem domini) were clustered immediately around the castle at Egremont. Similar concentrations of demesne and customary land are found around the estate centres of the federal manors of Cockermouth and Braithwaite which together constituted the Honour of Cockermouth.

The majority of villis along the coastal lowlands, however, were "homage villis", held by mesne free tenants who rendered a variety of services to the foci of the federal estates at Cockermouth, Braithwaite, and Egremont. Although the majority of these mesne lords held individual villis (see below, Chapter IV p.112) some mesne estates were themselves composite, containing a number of townships. Of this type was the manor of Millom, coterminous with the Seignory of Millom and apparently containing within its bounds a federal structure of demesne and customary land and homage villis akin to that found in the estates of Cockermouth and Egremont. Similar in composition were the manor of Workington which formed the focus of a group of villis in the north-west of Copeland (see Fig. 3.3), and the looser,

composite fees of the Dacre and Fleming families⁵².

A distinction may be drawn between those free tenants who render the ancient royal due of cornage and the associated payments in lieu of seawake (vigilia maris), and those who hold by military tenure or by a fixed money rent or peppercorn rent not associated with cornage (see Fig. 3.4). Tenure by payment of money rents in lieu of cornage or noutgeld has been discussed by Wilson (1901, 313-321) and Barrow (1969, 18-22) who agree on its great antiquity as a service and, pointing to similar cattle payments in Wales and Scotland, suggest ultimate origins in the cattle-rearing Celtic societies of pre-Teutonic Britain. The payment of seawake, which is associated with cornage in the lordship of Egremont but absent from the Honour of Cockermouth where cornage tenures are also found, has been documented only along the Irish Sea coast of Cumberland in Allerdale and Copeland⁵³. It is suggested that places rendering these dues to the castles of Cockermouth and Egremont may be thought of as an early generation of settlements whose origins probably lie deep into the centuries before the Norman Conquest.

Having isolated the various elements in the tenurial structure of Copeland c1300 - the free chases, demesne land, customary land and homage villis (both cornage-paying and others) - an attempt must be made to assess the degree to which these patterns had remained stable over the previous 150 years. Only in the light of the earliest evidence for tenurial arrangements in Copeland can the federal estates

be compared with the jurisdictional subdivision into liberties, the great antiquity of which has already been argued.

Honour of Cockermouth. It is suggested that the late-13th century manors of Cockermouth (held by the Fortibus family)⁵⁴ and Braithwaite (held by the Lucy family)⁵⁵ originated at the undocumented partition of the Honour of Cockermouth between the heirs of William son of Duncan, lord of both Copeland and Allerdale, in the late 12th century⁵⁶. Is it possible to isolate the caput of the Honour of Cockermouth, and indeed to verify the extent of the Honour from 12th century material?

It must be admitted that the evidence which suggests that the focus of the estate prior to partition was in the vicinity of Cockermouth rather than Braithwaite or elsewhere in the honour is slight. Cockermouth was a "new town" founded c1200⁵⁷ and the existence of a castle there is not documented until 1221⁵⁸. However, it has been argued by Wilson (StB, p 451n) that a grant of c1150 by Alan son of Waldeve, lord of Allerdale and the Honour of Cockermouth, given apud Cokyrmoth⁵⁹ suggests that the seat of power was there by that date. The earliest reference to the manorial centre at Braithwaite on the other hand does not occur until 1230⁶⁰.

Other early-12th century grants of land within the later manors of Cockermouth and Braithwaite⁶¹ confirm the tradition embodied in the late-13th century Chronicon Cumbrie that Waldeve son of Gospatric, lord of Allerdale, and his descendants gained control over the Five Towns and Derwentfells (the constituent elements of the Honour of Cockermouth) very soon after William Meschin took over the whole of Copeland in the reign of Henry I. In the absence of further documentation it can only be concluded that the jurisdictional and tenorial independence of the area, and the fact that it was granted away from the remainder of Copeland around 1100 without the lords of Copeland retaining overall jurisdiction, suggest that the Honour of Cockermouth may be thought of as an early independent unit of lordship bearing characteristics resembling those found in the model Northumbrian shire.

Manor of Balnes (Loweswater). Like the manor of Braithwaite, it is suggested that the Manor of Balnes (to be identified with the later township of Loweswater), described in the IPM of Thomas de Lucy in 1305⁶² was formed as a result of the partition of the larger lordships. The fact that it is reckoned to be a separate manor in 1305 rather than

being included within the manor of Braithwaite with all de Lucy's share of the Honour of Cockermouth suggests that its origins were outside the Honour of Cockermouth. At the partition of the estates of Richard de Lucy, lord of the Barony of Egremont and half the Honour of Cockermouth, in 1230, the manor of Braithwaite, and the hamlets of Loweswater, Thackthwaite, Mockerkinn and Sosgill were assigned to the ancestors of Thomas de Lucy, while the remainder of the barony of Egremont passed to the Multon family⁶³. It seems that these hamlets, later combined to form the manor of Balnes, were originally within the territory appendant to Egremont rather than that appendant to Cockermouth; a conclusion also pointed to by the reservation in the 1230 partition of a free rent from the mill of Egremont to the lords of Loweswater⁶⁴, and by the listing of crimes committed in Loweswater under the liberty of Copeland, rather than the liberty of Cockermouth, in the Assize Roll of 1278⁶⁵. The extent of the lordship of Egremont can thus be extended by the inclusion of Loweswater in the 12th century to confirm the River Cocker as both jurisdictional and tenurial boundary with the Honour of Cockermouth.

Lordship of Egremont. Details of demesne and customary land in the lordship of Egremont are not found before 1294⁶⁶, but place- and field-name evidence suggests that the concentration of these categories of land around the estate focus at Egremont originated early.

Like Cockermouth the borough of Egremont was planted c1200 at the foot of the castle which is documented as early as c1175⁶⁷. The name itself is artificial, derived from the French compound aigre mont meaning a "sharp-pointed hill" (PNC, ii, 380).

In addition to the park (the earliest reference to which is in 1294⁶⁸) the demesne element at Egremont consisted of demesne land and Bordland. The distinction between the two is unclear and both elements seem to have been distributed around the castle at Egremont. Demesne land is found in 1294 and 1338 scattered throughout the fields to the north and west of the borough of Egremont and in a block at nearby Coulderton⁶⁹. Under the heading of demesne in the partition of the lordship of Egremont in 1338 a total of 60 acres of Bordlandes of Blakestansit and 16 acres of Bordlandes of Carleton at Collanleye is listed⁷⁰. Bracton's statement that:

"that is 'demesne' which a person has for his own table and as property, such as are Bordlandes in English"

(Bracton (ed. Twiss), 1883, iv, 197)

would seem to confirm their status as demesne land of some kind, perhaps suggesting affinities to tir bwrdd - similar "mensal land" - found at the foci of multiple estates in mediaeval Wales (Jones, 1972, 338). The existence of bordland, a category of land not usually found in England, but fairly common in Scottish documents⁷¹, may perhaps be thought of as evidence for the early origin of Egremont as an estate centre.

Attention must also be drawn to the place-name Carleton, borne by the hamlet one mile east of Egremont in St. John's Beckermest parish which was farmed by a community of customary tenants in 1334⁷². On a national scale Finberg (1964, 144-60) has drawn attention to the association of this place-name, meaning "the peasants' settlement", with the centres of ancient royal manors.

If the castle and borough of Egremont represent Norman foundations, the existence of bordland and the hamlet of Carlton nearby, while not providing conclusive evidence, perhaps suggest that the seat of the pre-Norman ruler whom William Meschin replaced lay in the vicinity of the later town.

Early 12th century confirmations of grants throughout the land between the liberties of Cockermouth and Millom by the lords of Copeland⁷³ and the original inclusion of Loweswater within Egremonts' territory tend to confirm that the federal estate centred in the vicinity of Egremont was coincident with the jurisdictional liberty of Egremont. Seignory of Millom. In the absence of detailed 13th century extents of the seignory it is difficult to discuss the tenurial structure of Copeland south of the Esk at this period. With the exception of the park adjacent to Millom Castle, first documented in 1337, the location of demesne land is unknown. In 1337 tenants at will in Birkby, Bootle and Satherton (see Appendix AIII, no. 106) rendered rents direct to the lords of Millom⁷⁴, but a list of mesne tenants at this date is not included. Mesne lords of Corney, Whicham, and Whitbeck⁷⁵ are found in the late-12th and early-13th centuries but their exact feudal position is not known, although it is inferred that they held their estates under the lords of Millom who frequently confirm grants of land between the rivers Esk and Duddon at this time⁷⁶.

Four villis within the Seignory (Kirksanton, Whicham, Bootle and Hougenai (possibly an earlier name for Millom⁷⁷)) are named in Domesday Book as part of Earl Tostig's large estate centred on Hougun,

apparently somewhere in Furness⁷⁸ (see Fig. 3.1). If the ultimate feudal links of these places were south towards Furness in 1086, they were clearly north towards Egremont by the 12th century when the lords of Egremont, as feudal superiors to the lords of Millom, confirmed grants of land between the Esk and Duddon to the Priory of St. Bees⁷⁹.

However this change in feudal allegiance occurred it and the peculiar jurisdictional position of the Seignory suggest that that part of Copeland south of the Esk had a certain unity and formed a separate unit of lordship from an early date.

The evidence would seem to confirm, therefore, the tenurial unity of each of the three liberties of Copeland in the 12th century. Cutting across this pattern of federal estates was the tenurial contrast between the free chase areas of the Lakeland fells and valleys and the homage villis of the coastal lowlands described in the late-13th and early-14th century material discussed earlier. Such a juxtaposition of upland and lowland components in a federal estate as found in the liberties of Cockermouth, Egremont and Millom has been identified in Wales by Jones (1971, 252) and a brief examination of the evidence for the extent of the free chases in Copeland in the 12th and 13th centuries might not be out of place.

Liddel, in his detailed survey of the "private forests" of south-west Cumberland, has suggested that the retention of hunting rights by the chief lords in the 12th and early 13th centuries when granting land outside the later limits of the chase implies that "a far greater area of land.....if not the whole of the barony" had previously been reserved as a seignorial hunting preserve. (Liddel, 1966, 108, 111). Figure 3.4 attempts to portray this evidence for the former extent of the chases in relation to those areas which, by

virtue of payment of cornage and seawake are suggested to have been settled early. In the free chase of Derwentfells itself, and along the margins of the free chase of Egremont where homage villis are found, their lords render not cornage or seawake but a money rent or a token rent such as pepper or cummin⁸⁰. It is suggested that these places, for some of which late 12th and early 13th century grants to mesne lords survive⁸¹, represent the effectual disafforestation of villis along the Lakeland margins, hinting that almost all the upland part of Copeland had formerly been reserved as free chase.

The feudal structure of Copeland consisted of three virtually independent federal estates divided by the major river valleys and each comprising a sector of the Lakeland massif reserved as free chase and an older-settled group of villis around the estate centre on the lowland coastal strip.

C. PATTERNS OF PAROCHIAL STRUCTURE AND FEUDAL JURISDICTION COMPARED (Figs. 3.5 and 3.6)

It is generally accepted that the pattern of English parishes - clearly-defined territories which, by taking the tithe, supported an independent church and priest - crystallised in its final form during the 11th to 13th centuries (Addleshaw, 1953, Cowan, 1961). The accepted model of the evolution of parochial structure in Britain is based on the early establishment of diocesan units during

the Anglo-Saxon period within which pastoral work was carried on from minster churches. These were "mission stations" operating within territories which did not necessarily have clearly defined boundaries, but which often coincided with the estate belonging to its founder, or to

"what Bede calls a regio or provincia, an area occupied by a particular tribe." (Addleshaw, 1953, 12)

With the establishment of Norman feudalism came the foundation in the 12th century of many local churches to serve the estates of individual manorial communities, and the minster churches declined in importance as their former territories were hived off to the newly established churches. Certainly by the time of the papal taxation of 1291 a pattern of parochial centres had evolved which formed, with relatively little change, the system of ecclesiastical administration until the 19th century (Cowan, 1961, 51,54).

Such a model of parochial evolution contains an implicit statement of a close relationship between ecclesiastical territories and tenurial spheres of influence, the break up of minster organisation coinciding with the replacement of the earlier shire system of multiple estates by the smaller unit of the classic lowland manor.

Having identified three tenurial foci in Copeland during the 13th century it is suggested that a comparison between patterns of tenurial and ecclesiastical organisation in the area may provide another parameter from which to construct a model of early territorial structure in Copeland.

The Taxatio of 1291⁸² shows that the later pattern of parochial centres in Copeland was clearly established by the end of the 13th century (Fig. 3.5). The only parish

churches not listed in the Taxatio yet appearing on the first edition Ordnance maps are those at Arlecdon, Drigg and Waberthwaite, but other sources make it clear that ecclesiastical establishments existed in these places by the mid-13th century, although the status of the "chapel" at Drigg is unclear⁸³.

Traces of the final stages in the establishment of new churches are found in 12th century charters preserved in monastic cartularies. In one of the earliest grants to the Priory of St. Bees (c1130) the chapel of Egremont is mentioned as lying within the bounds of the Parochia of St. Bees⁸⁴. Its elevation to full parochial status presumably did not occur until well into the 12th century. More specific is the reference to the foundation of a church at Corney by Copsi, Lord of Corney, in the early 12th century, and the subsequent grant of this church to the Priory of St. Bees about 1150, although in this instance it is unclear from which mother parish Corney was carved⁸⁵. How many other parish churches along the coastal strip were founded during the 12th century is unknown but these examples suggest that a process similar to that found elsewhere in Britain was operating in Copeland at this time.

On the other hand, the survival of pre-Norman cross fragments exhibiting a variety of Anglian, Irish and Norse motifs at many church sites along the coast (see Fig. 3.5) may be invoked as evidence for the origins of parish churches as holy sites in the 9th to 11th centuries.

When the pattern of parochial territories is examined a clear distinction arises between the vast parishes

anchored on a church on the coastal lowlands but extending into the Lakeland fells and embracing a number of dependent chapelries, and the smaller parishes, often containing no chapels other than the parish church, which are typical of the lowlands. Thus the four huge parishes of Crosthwaite, Brigham, St. Bees and Millom (for each of which an early origin may be argued⁸⁶) embrace all the western Lake District valleys and cover over 56% of the total land surface of Copeland.

The relationship of the boundaries between these large upland parishes and the boundaries between the 3 liberties identified in section B(i) is close (cf Figs. 3.2 and 3.5, and see Fig. 3.6), the rivers Cocker and Esk recurring as both ecclesiastical and secular divides. With the exception of the diocesan boundary which bisects the Derwentfells block of the Honour of Cockermouth, the division of the western Lake District between the parishes of Millom, St. Bees and Brigham reflects its secular partition between the three federal estates centred on the castles at Millom, Egremont and Cockermouth.

This close correspondence between parochial and tenurial structure would appear to confirm the focal nature of the three estate capita, and suggests that attention should be focussed on those areas where a parochial focus is strong enough to ignore the otherwise watertight boundaries between the liberties. Four such discrepancies, where a township in one liberty falls within the parish of a church in the neighbouring liberty, can be identified by a comparison of Figs. 3.2 and 3.5, and are isolated in Fig. 3.6:-

- i) The townships of Great and Little Clifton and Stainburn together forming one of the Five Towns of the Honour of Cockermouth (see Appendix AII), but lying in the parish of Workington.
- ii) The township of Mosser, held under the lordship of Egremont, but in Brigham parish.
- iii) The townships of Above Derwent and Borrowdale, embracing almost half of the free chase of Derwentfells in the Honour of Cockermouth, but lying in the parish of Crosthwaite and Diocese of Carlisle.
- iv) The township of Birkby, within the Seignory of Millom, but part of Muncaster parish.

The second discrepancy, that of Mosser, can be explained by a series of deeds of 1220 which concern disputes over the parochial allegiances for tithe purposes of certain villis (Mockerkin and Sosgill; Thackthwaite and Mosser) along the northern margins of St. Bees parish. ⁸⁷Mockerkin and Sosgill were claimed by the parson of Dean, Mosser and Thackthwaite by the church of Brigham, but in all cases it was decided that they lay within St. Bees parish. The parsons of Brigham and Dean relinquished all claim to tithes in these places, except in the case of Mosser where the parson of Brigham was to take the tithe, paying one pound of incense to St. Bees in recognition of their right. After the upheaval of the Reformation Mosser is found to be generally reckoned to be in Brigham parish, its original ecclesiastical links having presumably been forgotten.

As well as explaining this instance of lack of concordance between parochial and jurisdictional boundaries, these deeds have wider implications. They suggest that, perhaps particularly in the case of vast parishes embracing numerous small settlements, parochial boundaries were not hard and fast watertight lines in the early 13th century, but that disputes over the right to take tithes could occur. This in turn suggests that the greatest care must be taken to examine evidence for mediaeval parochial allegiances before accepting uncritically the parochial divisions shown on the first edition O.S. maps.

In particular for the purposes of this discussion the evidence for the early existence of the discrepancies isolated above must be examined in detail.

i) The Cliftons and Stainburn: The early allegiance of these places to the church of Workington is confirmed by a dispute concerning the ecclesiastical position of the two Cliftons in 1219. The rector of Dean parish had persuaded the men of the Cliftons to bury their dead in his churchyard, but the parson of Workington succeeded in obtaining a decision that:

*villa que dicitur Clifton ad ecclesiam de Wirkyngton tanquam a matricem ecclesiam jure parochiali debere pertinere sentencialiter.*⁸⁸

Thus, despite the position of the Cliftons and Stainburn as one of the Five Towns in the Honour of Cockermouth, early ecclesiastical links with the church of Workington in the lordship of Egremont are suggested.

However, the early name of Kirkeclifton for Great Clifton (see Appendix AIII, no. 20), and the existence of Norman masonry and pre-Norman cross fragments in the modern church at Clifton (Pevsner, 1967, 106) hint that it might have been a separate parochial centre before its inclusion in Workington parish. Nevertheless, even if a 12th century parish of Clifton is postulated, its subsequent inclusion in Workington parish rather than in Dean or Brigham confirms that the

discrepancy between ecclesiastical and secular boundaries dates from the 13th century at least.

ii) Above Derwent and Borrowdale: Early-13th century evidence confirms that places west of the River Derwent (in Derwentfells, and thus part of Copeland) lay within the sphere of jurisdiction of the church of Crosthwaite by that time. In c1240 Patrick Son of Thomas was granted permission to found a chapel on his land at Thornthwaite (in Above Derwent township) by the convent of Fountains Abbey as patrons of the mother church of Crosthwaite, and about 30 years earlier the rector of Crosthwaite had released his claim to tithes from Furness Abbey's land in Borrowdale⁸⁹.

iii) Birkby: No evidence has been found to suggest to which parish church Birkby paid tithe in the 13th century, and its subsequent inclusion in the parish of Muncaster can be neither verified nor disproved.

From the 13th century confirmation of the discrepancies between lay and ecclesiastical patterns of jurisdiction presented above it is suggested that the parochial centres at Workington, Crosthwaite, and possibly Muncaster exhibited some strength as focal points which enabled their parish territories to ignore the fundamental boundaries between units of secular jurisdiction. This raises the question of whether the focal nature of these parochial centres was limited to the ecclesiastical sphere or whether they formed early foci of secular organisation as well. The evidence is slight.

i) Workington: The manerium de Wirkyngton (held of the lord of Egremont in 1334 by Gilbert de Curwen⁹⁰) seems to have consisted of a federal grouping of some half dozen later townships in the north-west of Copeland. It was held of the lords of Egremont in 1334 by payment of 45s.3d. cornage and 4s.0d. seawake, sums which probably correspond to the receipt of 49s.1d. from the sewake de Wyrkyngton, Herryngton et Lamplugh listed in a rental of the Curwen estates in 1450⁹¹. Both Harrington and Lamplugh (and possibly Kelton) were themselves mesne manors held under the lords of Workington, while the later

township of Winscales appears to have been held by customary tenure direct from the manor house at Workington⁹². If the 12th century grants of Salter and Preston to the Priory of St. Bees by Gospatric son of Orm, progenitor of the Curwens are interpreted as suggesting that these places also fell within his fee based at Workington⁹³, the extent of this federal manor is widened to cover much of the northern section of the lordship of Egremont (Figs. 3.3, 3.6).

Although tantalisingly inconclusive, the evidence hints that Workington may be seen both as a parochial centre strong enough to subsume the former parish of Clifton, and the focus of a federal estate which, although possessing none of the jurisdictional independence of the Seignory of Millom, appears in the 12th century to have embraced an area not much smaller than that controlled by Millom.

ii) Crosthwaite: Although the parish of Crosthwaite straddled the River Derwent and was thus bisected between the ancient territorial divisions of Copeland and Allerdale, the overlordship of both halves of the parish was vested in the same man from c1100 when the Honour of Cockermouth was ceded from the rest of Copeland to Waldeve, lord of Allerdale. On the union of the lordships of Cockermouth and Allerdale the River Derwent in the Keswick valley appears to have ceased to be such a hard boundary as elsewhere, the subsequent application of the name Derwentfells (generally reserved for the free chase of Cockermouth between the rivers Cocker and Derwent) to Brundholm and Lizzick and Keswick⁹⁴ on the east of the Derwent, and the inclusion of Brundholme and Lizzick in the 14th century administrative vill of Braithwaite⁹⁵, suggesting that both halves of the parish were reckoned to lie in the same unit of secular administration.

It seems probable that the union of land on both sides of the Derwent under the same overlord allowed the church at Crosthwaite to extend the territory under its jurisdiction to its "natural" limits (the watershed of the upper Derwent basin) by the inclusion of all the valleys on both sides of the boundary between Allerdale and Copeland which, by virtue of the deeply-incised Lakeland relief, "looked" toward the Keswick valley. The discrepancy between ecclesiastical and secular boundaries in this instance is thus probably due essentially to the nature of the physical landscape of the area.

iii) Muncaster: Here, as at Workington, there is evidence that the 13th century lords of the manor had earlier exercised control over a wider area than the later township of Muncaster, although the evidence is by no means as clear as for Workington. William de Pennington held the manor of Muncaster and the hamlet of Ravenglass, by knight service, of the lords of Egremont in 1334⁹⁶. Benedict de Pennington, his late-12th century ancestor is found granting land in Birkby and confirming a grant of Corney church⁹⁷ which suggests that he had a landed interest not only in Muncaster on the north bank of the River Esk in Egremont lordship, but also south of the river in the Seignory of Millom.

This is as far as the evidence of a large estate focussed on the mouth of the Esk goes, but two other pieces of evidence which point to a central place function in the vicinity of Muncaster should be noticed. First is the place-name Carleton covering the block of land in Drigg parish between the estuaries of the rivers Irt and Mite. Finberg's (1964) conclusions about the relationship of this name to early manorial centres, and the repetition of the name near Egremont have been noted, but no evidence can be cited to link this Carleton with an early estate centre at Muncaster or elsewhere. Second is the foundation in 1208 of a market at Ravenglass by Richard de Lucy, Lord of Egremont⁹⁸.

Figure 3.6 attempts to portray the evidence discussed above in spatial terms and to produce a simplified pattern of central places in early Copeland. The solidity of the basic three-fold division identified in the second section of this chapter breaks down when traces are found of the existence of minor foci at Workington and Muncaster whose presence is hinted at by discrepancies between the boundaries of tenurial and ecclesiastical units. Of these only the estate centre at Workington can be considered to be documented clearly enough to justify its comparison with the three major estates.

D. CONCLUSIONS

Whatever the nature and origins of the minor estate foci which have been postulated at Workington and Muncaster, the antiquity of the three-fold division of Copeland into jurisdictional liberties and federal estates centred on Cockermouth, Egremont and Millom cannot be doubted and has important implications when Copeland is compared with the model shire or multiple estate described in Chapter II.

If the composite nature of the ancient territory of Copeland is accepted, a reassessment of the implicit assumption, made by both Jolliffe (1926, 4) and Barrow (1975, 121-2), that Copeland was a single unit of lordship comparable to the shires and federal manors found elsewhere in the north is necessary. The deanery and ward bearing the name Copeland seem, rather, to be larger units of territory (the early tenorial and jurisdictional characteristics of which remain obscure) embracing three independent multiple estates, a feature which raises pressing questions concerning the tenorial and jurisdictional characteristics of the other ancient, named territories of Cumbria and south-west Scotland described by Barrow (1975).

It is these constituent elements of Copeland, the jurisdictionally independent and tenorially unified liberties centred on Cockermouth, Egremont and Millom which must therefore be considered comparable with the shires found in the rest of Northumbria and the federal manors frequently more or less equivalent to the hundreds and wapentakes of Lancashire and Yorkshire. In particular, the jurisdictional

independence of the three liberties of Copeland and the spatial distribution of their constituent tenurial elements (the patterns of demesne land, customary vills and homage vills) suggest that such a comparison is justified. Furthermore, the division of Copeland into three separate federal estates produces units of lordship more comparable in acreage with other shires in upland northern England, as the table below shows:

ACREAGES OF SOME MULTIPLE ESTATES IN NORTHERN ENGLAND⁹⁹.

	acres	ha.
Copeland:		
Cockermouth liberty	79,413	32,138
Egremont liberty	136,554	55,263
Millom liberty	57,228	23,160
Lancashire:		
Leylandshire	79,990	32,370
Blackburnshire	175,590	71,060
Northumberland:		
Hexhamshire	82,539	33,404

The unity of the three federal estates in Copeland becomes greater as one goes back in time, the partitions of the estates in the late-12th century giving rise to the establishment of the "new" manors of Braithwaite and Balnes. It may be argued that, given the break-up of the shire

system at this early date, the existence of the federal estates identified in this chapter can do little to help explain the development of patterns of settlement in the area after the beginning of documentary evidence in the early-12th century. However, both Jolliffe and Barrow have shown how the territorial framework of shire organisation had a real effect on the organisation of space for economic purposes by the farming communities within the shire. From both Northumbrian and Scottish sources comes evidence that "a common scheme of pasturage" existed within each federal estate (Jolliffe: 1926, 12), the most usual arrangement being the designation of a shire-moor on which all communities in the shire intercommoned. The organisation of pasture reserves within the framework of the federal estate will form a theme when the management of unenclosed waste in Copeland is examined in Chapter VII.

The identification of these three federal estates does not, however, throw light on the nature of Copeland, the overlying territorial division embracing all three. It should be noted, however, that a similar relationship between federal estates and such large, ancient divisions as Copeland is found elsewhere in northern England. For example Jones (1976, 37) in his recent examination of the tenurial structure of Burghshire wapentake, W. Riding Yorkshire, has shown how this ancient division (in whose name the term shire is interestingly embodied) embraced three large multiple estates and a number of other tenurial foci.

It is probably not coincidental that a three-fold subdivision is apparent in the description of the wapentake

in Domesday Book (Darby and Maxwell: 1962; 2), a feature also found in wapentakes in the North Riding (ibid; 87). Thus, in contrast to those examples, noted in Chapter II (p. 51), in which federal estate and hundredal division appear to have coincided, there appear to be instances elsewhere in the north in which, as in Copeland, the secular territorial units embraced a number of federal estates.

Such an observation is important because it raises questions concerning the precise meaning of the label shire. Barrow's (1973, Ch. I) examination of Northumbrian and Scottish territories to which the term was applied suggests that they were directly comparable to Jones' "multiple estates", yet both Burghshire and Allertonshire (see Darby and Maxwell; 1962, 87) in Yorkshire appear to represent higher levels in the territorial hierarchy.

The underlying similarities in tenurial and territorial structure between Copeland and the areas investigated by Jones and Barrow are striking, yet there is clearly scope for further investigation before the evidence from each area can be compared safely.

C H A P T E R I V

TOWNSHIP AND VILL IN COPELAND

In the preliminary discussions on the nature of territorial organisation in mediaeval and 16th century Britain presented in Chapter II, the township or vill was isolated as the basic cell of territory into which the land surface of England was divided. The purpose of this chapter is to examine the characteristics of this basic territorial unit in Copeland in order to provide a framework against which to view the patterns of agrarian organisation in the second part of the study.

In the background throughout this discussion will be Pollock and Maitland's hypothesis (see above, p.32) that to produce a map of 19th century civil parishes would be tantamount to producing a map of 13th century vills. In the light of the discussion in Chapter II which suggested that the identification of mediaeval vills in northern England might be fraught with problems of definition less frequently encountered in southern counties, this chapter seeks critically to examine Pollock and Maitland's hypothesis against the evidence from Copeland.

The chapter takes the form of a discussion of the detailed evidence for vills and townships in mediaeval and post-mediaeval Copeland which is presented in Appendix A. Inevitably the method of approach is largely dictated by the nature of surviving evidence and three sets of data concerning the territorial structure of Copeland have been isolated for discussion. The three territorial units which will be examined are:-

- i) poor law townships (Appendix AI); those post-mediaeval units of civil administration mapped by the Ordnance Survey.
- ii) the administrative vills used in the collection of the 14th century Lay Subsidies (Appendix AII). The Lay Subsidy Rolls provide the only complete list of local units of administration in mediaeval Copeland.
- iii) early-mediaeval loci (Appendix AIII); territorial names used repeatedly to locate land and buildings in land charters, rentals and inquisitions dating from before 1350.

A. THE POOR LAW TOWNSHIP

(FIG. 4.1 and APPENDIX AI)

Figure 4.1 reproduces the pattern of civil units of administration shown on first edition Ordnance Survey 1:10,560 maps, surveyed between 1860 and 1864. Of the 68 units into which the surveyors divided the surface of Copeland 17 are coterminous with ecclesiastical parishes, the remaining three-quarters (51 units) representing the subdivision of parishes into their constituent townships for the administration of the poor law. In only one instance is a township split between two ecclesiastical parishes.¹ (Compare Figs. 3.5 and 4.1.)

In size the townships of Copeland are significantly larger than those sampled to provide a basis for comparison in Chapter II. An average acreage of 4003 acres (1620ha) compared with one of 2320 acres (939 ha) for the four northern counties sampled in Figure 2.1 is reflected by a far lower percentage of Copeland townships covering less than 3000 acres (1200 ha) - 44 per cent compared with figures of 77 per cent, 78 per cent and 80 per cent for West Riding, Lancashire and Durham respectively. Within Copeland, however, a clear distinction may be drawn between the smaller townships of the coastal lowlands generally containing between 1000 and 3000 acres (400-1200 ha), and the vast Lakeland townships whose boundaries encompass whole fellsides and contain tracts of up to over 17,400 acres (7040 ha)².

The wide variety of settlement patterns found between townships has been alluded to in Chapter I. Some townships, mainly in the lowland area, have a clear focus in the form

of a large nucleated village³, while others, more especially in the Lakeland valleys, have no obvious centre and contain a scatter of farmsteads occasionally grouped into straggling hamlets⁴. The six townships from various parts of Copeland shown in Figure 1.7 exemplify these contrasts, the tightly clustered village of Eaglesfield lying only a mile from the scatter of farmsteads forming the adjacent township of Blindbothel (Fig. 1.7 A) being a striking example of the differences in settlement patterns found within a small area.

As a rule, the name of the township is mirrored in the name of its primary settlement, particularly where this settlement is a nucleated village, but "umbrella" names both locational (as Netherwasdale, Above Derwent), and toponymic (Brackenthwaite = "bracken clearing", Setmurthy = "Murdoch's pasture". PNC ii, 354, 434) also occur.

The blocks of land thus bearing distinguishing territorial names and designated as units of administration by the Ordnance Survey maps generally bear some relation to underlying landform as the analysis of township boundaries presented in Figure 4.2 shows. Along most of their length the boundaries between poor law townships follow natural features, primarily water courses, but also watersheds, especially in the high relief of the Western Lake District. Relatively infrequent use is made of cultural features such as field boundaries and artificial lines across open waste.

These preliminary observations serve to set the Copeland township in a broader context and to stress the variety of size, name, and settlement characteristics found between townships in this part of Cumberland.

That the townships mapped by the Ordnance surveyors represented the units of poor law administration, and that the origin of these units reached back into the 17th century is confirmed by a series of parochial returns of 1777⁵ in which the division of each parish for poor law purposes is stated. Typical is the return from Brigham parish:

"Brigham Parish is Divided into six Townships for Time immemorial; viz: Brigham, Graysouthen, Eaglesfield, Blind-bothell or Lowside, Whinfield, Mosser"⁶.

Each of these divisions is found as a unit of civil administration, bounded and named on the Ordnance maps.

In only one instance, that of Parton township, carved out of Moresby parish in the early 18th century⁷, is a known date given for the constitution of a separate poor law division, the phrase recurring regularly in these returns being that the parochial subdivisions had not been made within memory.

In some cases the returns hint that ecclesiastical parishes not subdivided for the purposes of poor law administration nevertheless exhibited a composite structure, being composed of a number of constituent parts:

"Haile Parish is divided into two separate Divisions (Haile and Wilton), but maintain their poor jointly"
"Harrington and Lowcay - Lowcay is in the Parish of Harrington and there is No Division but is all under one"

Indeed, if the pattern of poor law administration is compared with units used for other administrative purposes in the 17th to 19th centuries, it becomes clear that, in mapping only those parochial divisions which appointed separate overseers of the poor, the Ordnance maps conceal

many other territorial units used as the basis of administration until comparatively recently. Appendix AI attempts to summarise the evidence from a variety of post-mediaeval administrative records and to relate these territorial divisions to the pattern of mapped poor law townships.

Gosforth may be cited as an example of one ecclesiastical parish not subdivided for poor law purposes yet containing within its bounds four distinct territories separately known and used as administrative units until the last century (Fig. 4.3). In his topography of Allerdale Ward Above Derwent in 1842 Jefferson writes that:

"The Parish of Gosforth contains the four townships or constablewicks of Gosforth, Boonwood and Seascale, High Bolton and Low Bolton" (Jefferson, 1842, 295).

and this structure is confirmed by the 1831 Census Enumeration Abstract⁸. The late-18th and early-19th century Land Tax returns used in the construction of Figure 4.3 (cf Williams, 1956, 161, 221-2) name four divisions: Gosforth, Boonwood, Bolton, and Newton⁹. As the parish was not divided for poor law purposes and consequently is not divided into townships on the Ordnance maps the boundaries between these 18th and early 19th century civil administrative units have been lost and only an approximate reconstruction is possible.

As Appendix AI shows, Gosforth is but one example of a number of ecclesiastical parishes which operated as single units for the administration of poor relief but were divided recurrently into two or more units for other administrative purposes during the 18th and 19th centuries. Furthermore, such subdivision of poor law units is not restricted to

undivided ecclesiastical parishes but is also found in some townships which are themselves subdivisions of parishes. Above Derwent township, one of the poor law subdivisions of the vast Lakeland parish of Crosthwaite¹⁰, is found to be an umbrella unit incorporating four smaller territories which recur as graveships¹¹ for the purposes of manorial rent collection from the 15th century, and as the units on which Hearth Tax and Land Tax were subsequently assessed (Fig. 4.4). The general correspondence elsewhere in the Honour of Cockermouth between the manorial rent-collection unit - the graveship - and the poor law townships (see Appendix AI), and indeed the equation of the terms graveship and township in a document of 1567¹² suggest that the poor law township of Above Derwent, like those undivided ecclesiastical parishes such as Gosforth, did not replicate the territorial structure of the locality for other post-mediaeval administrative purposes.

The conclusion drawn from this discussion of the poor law units mapped by the Ordnance surveyors must be that, although frequently reflecting in detail the pattern of territorial subdivision used for other administrative purposes during the post-mediaeval centuries, in a significant minority of cases the poor law units do not reflect the division of the land surface for other civil administrative purposes. In most cases these discrepancies seem to correspond to the use of the undivided parish, the basic cell of ecclesiastical as opposed to civil jurisdiction, as the poor law assessment unit. From its origin in the Elizabethan Poor Law Act of 1601 the oversight of the poor was based

firmly on the ecclesiastical parish, and it seems probable that when the opportunity arose to organise relief at a more local level after the Poor Law Act of 1662 inertia may have acted to prevent the subdivision of some moderate-sized parishes.

Where an ecclesiastical parish was subdivided for poor law purposes but the townships do not correspond to other contemporary administrative territories, it seems probable that the poor law townships represent the planned subdivisions of a parish for this particular purpose. Above Derwent township is thus that part of Crosthwaite parish lying in the ward of Allerdale Above Derwent outside the clearly defined valley of Borrowdale. Similarly, both the names of Preston Quarter and Lowside Quarter as divisions of St. Bees parish and their relationship to other units of administration suggest an origin as artificially planned subdivisions of the parish rather than the utilization of pre-existing administrative territories.

The pattern of poor law townships shown in Figure 4.1 must therefore be thought of in a narrow sense as the pattern of poor law administration from the 17th to 19th centuries, and in a sizeable minority of cases one has not to delve much earlier than the compilation of the Ordnance maps to discover an underlying pattern of territorial structure which does not correspond to that of poor law administration.

B. THE MEDIAEVAL ADMINISTRATIVE VILL
(FIG. 4.5 and APPENDIX AII)

In the absence of any list of administrative units in mediaeval Cumberland comparable to those found in the Hundred Rolls and Nomina Villarum for some other English counties, the territorial units used for the assessment and collection of the Lay Subsidies of the 1330's are taken as the basis for this discussion. Unfortunately the precise nature of these Lay Subsidy assessment units is unclear: the rolls do not specifically state that each is a villa, and Glassock (1975) in his recent introduction to the 1334 Lay Subsidy, has not questioned the nature of the assessment units, but assumes that each represents a vill or borough. Indeed, Fraser, discussing the 1332 Subsidy Rolls for Cumberland and Westmorland, has shown how, with some discrepancies, the 110 units named in the Westmorland roll do approximate to the townships of later centuries (Fraser, 1966, 141). However, it appears that the units by which the lay subsidies were collected in Cumberland were markedly different. Fraser points out how the Cumbrian assessment units cannot be related directly to later townships but, although she suggests that in some cases ecclesiastical parishes or manorial groupings were utilized, she reaches no firm conclusions on the precise nature of the taxation units in this county (ibid, 134-7).

The list of lay subsidy assessment units in Copeland (Appendix AII) has been produced by a comparison of the 1336

roll published by Glasscock (1975, 36-41) with the slightly incomplete rolls for 1332 and 1340. The units appear to be standardized, the same list of territorial names occurring in each roll. When an attempt is made to map these units problems are immediately encountered. As only 32 taxation units are listed for the whole of Copeland in the rolls¹³, while the Ordnance maps show 68 poor law divisions¹⁴, it seems that the mediaeval administrative villis must frequently have embraced more than one later township, and, as Appendix AII shows, a number of references in later mediaeval (14th and 15th century) documents allow places at a distance from the focus of the vill to be assigned to a particular administrative unit. The incomplete nature of the pattern shown in Figure 4.5 highlights the problems encountered when attempting to produce a neat cellular structure of territorial divisions from no more than the list of place-names given in the rolls, and the chance survival of documents which elaborate on the spatial extent of a particular administrative vill.

In the Honour of Cockermouth it has proved possible to reconstruct fairly certainly the relationship of the 8 administrative units listed in the Lay Subsidy rolls to the 19 poor law townships mapped by the Ordnance Survey. The lowland area south-west of Cockermouth, anciently known as the Five Towns (quinque villae) does indeed contain five mediaeval administrative villis (Brigham, Eaglesfield, Dean, Clifton, Greysouthen) but embraces 10 poor law townships, while the whole free chase of Derwentfells (the land between the rivers Cocker and Derwent) was known for administrative

purposes as the vill of Braithwaite. Covering 7 poor law townships and over 42,000 acres (17,000 ha) the wealth of the inhabitants of the vill of Braithwaite was assessed in 1332 at almost four times that of the inhabitants of the borough of Cockermouth¹⁵.

The relationship between mediaeval administrative villis and poor law townships in Copeland outside the Honour of Cockermouth cannot be reconstructed in full from surviving later mediaeval deeds. However, the evidence which has been collected in Appendix AII suggests that a similar composite structure was frequently found. In particular, attention may be drawn to the vill of Morton to which the later poor law townships of Mosser, Whillimoor and Weddicar are assigned in later mediaeval deeds. Covering at least these four later townships, this administrative unit appears to have been not a compact block of territory like the vill of Braithwaite but a discontinuous tract of land along the margins of the Lakeland fells.

As large parts of the liberties of Egremont and Millom cannot be assigned to any one Lay Subsidy collection unit, attention is now focussed briefly on these areas. The land which cannot be accounted for in Figure 4.5 may be divided into two categories. First are the free chases of Egremont and Millom, for no part of which is there corroborative evidence pointing to their inclusion in one of the villis centred on the coastal lowlands. Nor, assuming the completeness of the list of lay subsidy units in the Liberty of Egremont, were they embraced within umbrella-like units in the way in which the whole free chase of

Derwentfells was placed in the administrative vill of Braithwaite. As substantial peasant communities are known to have inhabited the Lakeland valleys of the free chases in the early 14th century (see below: Ch. VI, p.205) their apparent exemption from lay subsidy assessment cannot be explained.

The second category of land which cannot be allotted to any administrative vill comprises all those areas outside the free chases and unaccounted for in Figure 4.5. Such areas are probably the result of the chance lack of survival of references akin to those gathered in Appendix AII which enable territories with names different from those of the administrative units to be placed within a particular unit. Less conclusive evidence for the extent of the administrative vills can be gleaned from an examination of the names of people appearing in the 1332 Lay Subsidy Roll, published by Steel (1912, 57-60). Thus the inclusion of the lord of Ponsonby under the heading of Newton, and of the lords of Whicham, Thwaites and Whitbeck under the headings of Silecroft, Kirksanton and Millom respectively¹⁶ suggests in which unit the estates held by these four lords, in territories which cannot on other evidence be assigned to any administrative vill, were included for taxation purposes.

The pattern of early 14th century administrative vills in Copeland reconstructed above bears close similarities to the villae integrae (administrative vills embracing a number of smaller units) found elsewhere in mediaeval England and discussed in Chapter II¹⁷. The lay subsidy

assessment units would appear to be "entire vills": vills for administrative purposes but frequently embracing a number of later townships. Identified initially on the basis of the list of units appearing in the Lay Subsidy rolls these administrative vills have been chronicled so far (in Appendix AII) only from sources dating from after 1250, although earlier sources were searched when collecting evidence of their composite nature.

The concept of villae integrae ("entire vills") which is seen in these early 14th century units is however paralleled by earlier sources from Copeland which, rating blocks of territory for various dues and services, describe them in terms of proportions of vills. The rental of the Fortibus' portion of the Honour of Cockermouth in 1270 includes a list of mesne tenants which begins:

Johannes de Ireby tenet Embltone pro quarta parte
unius ville

The list names six tenants each holding a named territory, which, with one exception, can be identified with a later poor law township, and which is similarly rated as a proportion of a vill as the table below shows:

FREE TENEMENTS IN THE HONOUR OF COCKERMOUTH, 1270

Holding	Identification	Rating
<u>Embltone</u>	Embleton	1/4 vill
<u>Dene</u>	Dean	1/2 vill
<u>Brigham</u>	Brigham	1 vill
<u>Eglesfeud</u>	Eaglesfield	1 vill
<u>Clyftone</u>	Little Clifton	1/3 vill
<u>Hotweyth</u>	Hewthwaite, Setmurthy township	1/6 vill

Source: P.R.O. S.C.11/730/m14v.

The exact meaning of the phraseology used in this list - "A holds B as the nth part of a vill" - is obscure but is mirrored word for word in lists of settlements in Nottinghamshire rated for military purposes in 1316 which are quoted by Lees (1926, 102-3). In Copeland the ratings in the 1270 rental do not appear to be reflected in the amounts of cornage or free rents paid for the estates in question¹⁸ which would seem to imply that the terminology had other than tenorial connotations.

A parallel is perhaps to be found, however, in a clause in the grant of the later township of Mosser in c1203 which specifies that the grantee shall render:

forinsecum servitium quantum pertinet
ad terciam partem unius ville de Caupeland¹⁹.

The implication of these references is that the term villa had specific associations (possibly to do with the

rendering of foreign service) in the 13th century, and that the whole of Copeland was presumably divided notionally into villa units. In spatial terms such notional divisions appear, like the Lay Subsidy villas identified earlier, frequently to have covered an area of ground or a community of men greater in extent than the poor law townships of the 17th century and afterwards.

The similarities between the Lay Subsidy villas and these notional villas have been alluded to, but it is difficult to clarify the precise relationship between the two sets of units. Some sort of general correspondence does occur however. Brigham, rated at one vill in 1270, occurs as a discrete Lay Subsidy assessment unit and forms one complete "town" in the Five Towns area. Little Clifton, on the other hand, rated at one-third of a vill in 1270, was combined with two other poor law townships (Great Clifton and Stainburn) to form the administrative vill of Clifton, another of the Five Towns. Similarly Mosser, the foreign service of which was assessed at the rate of one-third of a vill, is not found as a 14th century administrative unit in its own right, but is but one member of the spatially-fragmented administrative vill of Morton.

Two conclusions may be drawn from the evidence of mediaeval administrative villas presented above. First is that the post-mediaeval poor law township in Copeland was not in many cases the direct successor to the basic unit of mediaeval administration. In the Honour of Cockermouth, where the details of the pattern of early 14th century

administrative villas have been reconstructed, of the 19th century poor law administrative units mapped by the Ordnance Survey, only the borough of Cockermouth and the townships of Whinfell, Brigham and Greysouthen are found to be coterminous with early-14th century villas. The evidence from Copeland suggests very strongly that Pollock and Maitland's hypothesis that the 19th century civil parish is generally the direct descendant of the 13th century villa must be rejected if the villa is interpreted as being the basic unit of mediaeval administration.

The second conclusion is that the mediaeval administrative villa exhibited a composite structure, frequently embracing a number of members or hamlets (cf. the phraseology of the references gathered in Appendix AII). These members are frequently, but not invariably, the predecessors of the post-mediaeval poor law townships, some of which have in turn been found to embrace a number of smaller territories. The implication of this observation is that some clearly-defined territorial units, not large enough to constitute administrative divisions in their own rights, underlie the Ordnance Survey's pattern of townships or the mediaeval tax collector's list of administrative villas. It is the identification of these basic territorial cells to which attention is now turned.

C. RECONSTRUCTION OF EARLY-MEDIAEVAL (PRE-1350) LOCI
(FIG. 4.6 and APPENDIX AIII)

1. Relationship between Locus and Township

When seeking a single parameter which will embrace both the members or hamlets of mediaeval administrative villas, and the constituent subdivisions of poor law townships where they have been shown to exhibit composite features the problem of definition is encountered. What is sought is neither necessarily an administrative nor a tenorial unit, but a tract of territory sufficiently well-defined as an entity to bear its own name. As a starting point for this discussion of the basic territorial structure of mediaeval Copeland this rather vague concept, that the land surface was parcelled out into named cells of territory, provides a useful basis.

To this end use has been made of the names of places or territories used to locate a piece of land in land charters, inquisitions and rentals of before 1350. The detailed evidence is presented in Appendix AIII to which Figure 4.6 acts as a key. Care has been taken in the collection of this evidence to exclude references which locate land specifically for lay or ecclesiastical administrative purposes. Thus references to parochia de A, manerium de A have for the most part been excluded, while the designation of a block of land as lying in B, or the occurrence of the phrases terra de B, territorium de B and (except where confusion could arise with the larger administrative vill)

villa de B have been used to identify the names of the basic territorial divisions of Copeland at this time. For these divisions identified from such place-name evidence the somewhat clumsy but usefully neutral term locus has been borrowed.

When the pattern of loci (Fig. 4.6) is compared with the pattern of poor law townships (Fig. 4.1) two salient features may be commented on. First is that only in a minority of cases is the poor law township found to embrace more than one locus: 43 (63 per cent) of the 68 civil administrative units mapped by the Ordnance Survey are coterminous with loci and as such appear to be the direct descendants of territories whose distinctive names were used to locate land in 12th and 13th century documents. The second observation is that where the poor law unit embraces more than one locus the constituent loci identified here from documents of before 1350 frequently recur as units of administration for purposes other than poor law administration in the post-mediaeval period. The subdivisions of Gosforth Parish (Fig. 4.3) and Above Derwent township (Fig. 4.4) discussed above are reflected closely in the names of loci identified in these areas in Appendix AIII and Fig. 4.6 (nos. 81-83, 6-9). The recurrence of locus names in the names of post-mediaeval townships or documented parts of townships would tend to confirm that by mapping these territories in which lands are located in early mediaeval documents a pattern of fundamental and long-standing territorial divisions has been identified.

If this relationship between poor law township and early mediaeval locus is examined against the relationship

of the poor law units to ecclesiastical parishes, a striking pattern emerges, as the table below shows:

CHARACTERISTICS OF POOR LAW TOWNSHIPS IN COPELAND

Relationship to <u>Locus</u>	Relationship to Parish					
	Coterminous		Subdivision of Parish		Total	
	No.	%	No.	%	No.	%
Coterminous	5	(29)	38	(74.5)	43	(63)
Embracing more than one <u>locus</u>	12	(71)	13	(25.5)	25	(37)
Total:	17	(100)	51	(100)	68	(100)

Where the poor law unit of administration consists of an undivided ecclesiastical parish, over 70 per cent are found to embrace more than one locus, while the proportions are reversed in townships which are themselves subdivisions of ecclesiastical parishes. If Copeland is typical of other parts of upland northern England we may conclude that the pattern of administrative units mapped by the Ordnance Survey provides only an incomplete picture of the basic territorial structure of an area in mediaeval times: where parishes are divided into townships these frequently represent the utilization of long-standing territorial units for poor law purposes, but where an ecclesiastical parish was not so divided for the administration of poor relief it would be dangerous to conclude that it was coterminous with a

single mediaeval locus without examination of other documentation.

2. Use of term villa in Copeland

A pattern of early territorial cells which often survived as post-mediaeval townships, but which were grouped for administrative purposes to form villae integrae, and ecclesiastical parishes, has thus been identified.

For the purposes of discussion in the second half of this study these loci are taken to represent the basic territorial subdivisions of the study area, the mediaeval "vills" which form the framework for an examination of agrarian organisation. In the light of the discussion on mediaeval use of the term villa in Chapter II (pp. 37-43), in which its use in two distinct senses was noticed, a brief examination of the use of the term in relation to the loci of Copeland may not be out of place.

In the previous section of this chapter its use in an administrative sense - as a villa integra or "entire vill" - in Copeland has been discussed. Of the 114 loci identified in Appendix AIII (Fig. 4.6), 32 bear the same names as these administrative villae integrae and it is frequently impossible to distinguish between the two uses of the term villa when applied to these names. However, the term is by no means restricted in use before 1350 to these 32 places; it is found at least once in land charters referring to 23 of the remaining 82 loci as well as to the "lost" territories of Ingilberdhop (Appendix AIII, Fig. 4.6, no. 12a) and

Holegate (no. 72a). On the other hand it should be noted that in no instance is the term applied to names of territories, other than the 32 early 14th century administrative divisions, later than the closing decades of the 13th century.

Clearly the discrepancy between the phraseology which locates land granted in 1195 "in the vill of Emelton" (Appendix AIII, no. 4), and that two hundred years later (c1400) which grants land "in Embleton in the vill of Braythwatt" (Appendix AII) confirms that the term was used in two distinct senses, one referring to those basic territorial divisions (loci) which often survived to the 19th century as poor law townships, the other describing the larger later-mediaeval administrative vill.

From the references collected in Appendix AIII hints of a change from the use of villa in the first sense in the 12th and 13th centuries to its use in the second sense during the 14th and 15th centuries are found. The example of Embleton quoted above may be compared with references to Whitehaven (Fig. 4.6, no. 49), described as a villa in c1270 but as part of the vill of Kirkby (i.e. St. Bees) in 1334, and to Hyton (Fig. 4.6 no. 101) to which the term villa is applied in a charter of c1200, but which is described as a hamlet of the vill of Bootle in 1320 and 1357.

It would seem that the term villa gained a more specifically administrative sense as the organisation of local government became more standardized after the Statute of Winchester in 1285. It is perhaps interesting to remind

the reader of the descriptions by Bracton (writing between 1235 and 1259) and Fortescue (writing c1470), both quoted in Chapter II (pp. 21, 37), of what constituted a villa. To Bracton it was a group of houses, a community living in close proximity to each other as in the typical nucleated village, while the later writer saw a vill as a tract of territory sometimes embracing "certain hamlets", a description which fits closely the concept of an administrative villa integra. On the other hand the references to villae integrae collected by Lees date from as far back as the 12th century (Lees, 1926, 102), and the evidence presented in the previous section of this chapter for the existence of notional vill units in Copeland from the early 13th century suggest that the system of grouping loci together into administrative units was not simply a consequence of the Statute of Winchester and increasing central government control in the decades either side of 1300, but had its origins in earlier times.

3. Relationship between Locus and Manor (Fig. 4.7)

A further characteristic of these early mediaeval loci is their frequent concurrence with units of lordship - the estates of particular lords - at some level in the feudal hierarchy. The tenorial evidence presented in detail in Appendix AIII and summarized cartographically in Figure 4.7 shows how, in the majority of cases, a simple relationship is found between a territory embraced by a particular name and the holding of a mesne lord. In the

12th and 13th century grants (referenced in Appendix AIII) of "all Moserthe (Mosser) to Adam de Moserthe, "all Wythop" to John de Lucy, and "Brankanthuayt" (Brackenthwaite) to Waldeve son of Dolfin, each estate is later represented by a poor law township of the same name. Similarly the wording found in the list of free tenants in the Barony of Egremont in 1334 strongly suggests that in a number of instances a mesne lord's holding was coterminous with a named tract of territory:-

Johannes de Kirkbythore tenuit.....hamelletum de Caldre

Alexander de Ponsonby tenuit.....hamelletum de Ponsonby

Nicholas de Sevenhowes tenuit.....hamelletum de Neuton²⁰

Where complex hierarchies of subinfeudation are found, as in the cases of the manor of Workington and the disconnected groups of lands held by the Fleming and Dacre families (discussed in Ch. III notes, 92-3, 52), an inferior lord is again frequently found to hold a complete locus²¹. From the tenorial evidence collected in Appendix AIII tenorial unity can be argued for 64 of the 89 loci identified in Copeland north of the River Esk²² while only 8 of the remaining 25 loci can positively be shown to have been split between more than one lord.

When this is the case, although loci containing a complex intermixture of lands held by mesne, monastic and superior lords are sometimes found²³, references to the division of a locus between lords on the basis of equal, if notional, halves or thirds suggest once again that the locus was at the base of the pattern of feudal tenure in

Copeland. Thus a mid-13th century (c1240) list of free tenants holding land under the Fleming fee includes:

R. de Lantploche....pro medietate de Harlokden et
pro Brunrig

Willielmus de Wedacre....pro duabus partibus de Wedacre

and Adam de Haverington....pro tercię parte de Wedhacre²⁴

By the 13th and 14th centuries the tenorial unity of many of these compact loci resulted in the application of the label manerium ("manor") to them and in the description of their constituent elements in terms characteristic of lowland English manorialization. The case of Santon (Appendix AIII, no. 87) described in the Inquisition post mortem of Richard de Caupland in 1298²⁵ may be cited as an example. Richard held the whole of Santon, centred on a capital messuage with a garden and demesne land, his estate being completed by rents from free tenants (52s. 9d.) from tenants at will (60s. 1d.) and from fulling and water mills. His estate has all the constituent elements of the classic southern English manor, a pattern repeated in 14th century extents of Moresby and Brackenthwaite²⁶ and Embleton²⁷.

Where such a close correspondence between manor and locus is found the boundaries of the one unit are those of the other. By reconstructing the boundary details given in mediaeval and 16th century documents²⁸ it has been possible in some places to confirm the antiquity of poor law administrative boundaries, and in other places to intensify the web of boundaries by reconstructing the boundaries of manors/loci within townships (see Figs. 4.6, 4.7). Thus the boulder of the manor of Frizington in 1410 describes

the modern township of that name, just as the boundaries defining the portions of the free chase of Egremont allotted to the three de Multon heiresses in 1338²⁹ recur as the boundaries between poor law divisions on the Ordnance maps.

A tenurial basis can be shown for many of the small detached portions of townships shown on the Ordnance maps lying at a distance from the main body of territory. The inclusion of the farms of High and Low Swinside (NY 16 24), lying between the townships of Lorton and Brackenthwaite, as a detached portion of the township of Buttermere seems to be related to the inclusion of Swinside in the manorial rent-collecting unit (graveship) of Buttermere rather than Lorton³⁰.

Figure 4.8 shows a similar situation in the case of Wythop Mill (NY 178 295), a detached portion of Setmurthy township, lying between the townships of Embleton and Wythop. Both Embleton and Wythop were mesne estates carved out of the free chase of Derwentfells in the 12th and 13th centuries (Appendix AIII nos. 4, 5). Wythop Mill appears to have been a relatively late (14th or 15th century?) encroachment onto the waste between the enclosed lands of Embleton and Wythop and was retained as customary land held directly from the superior lords of Derwentfells (see Ch. VI; p.197 and Fig. 6.5). Rent for these encroachments was paid to the grave of Setmurthy³¹, where a concentration of customary land existed in the 15th and 16th centuries, and, presumably, as Wythop Mill was thus reckoned to lie in the graveship of Setmurthy, it was allotted to the township of Setmurthy when the poor law divisions were constituted.

D. CONCLUSIONS

The stated aim of this dissertation is to examine the relationship between the economic organisation of space for agrarian purposes and the social organisation of space into administrative territories. The evidence presented in this chapter has raised important problems of definition which must be borne in mind during the discussion of agrarian organisation in the second part of the study. In particular, two problems have been isolated. First is that the pattern of poor law townships mapped by the Ordnance Survey cannot be used unmodified as the basis for discussion of the mediaeval territorial framework of an area such as Copeland (cf. the similar dissonance between mediaeval vills and poor law townships in Yorkshire W. Riding referred to in Chapter II, pp 41-43 and Fig. 2.2). Second is that, when talking of the mediaeval vill, care must be taken to distinguish between the villa integra, the administrative unit frequently composed of a number of later poor law townships, and the basic territorial entity, which is here termed locus and to which the term villa was sometimes applied in early mediaeval land charters etc. This was often coterminous with the estate of a mesne lord, and was frequently, but not invariably, taken as the local unit of poor law administration in the 17th century.

Nevertheless, despite the problems caused by the occasional disparity between poor law townships and these basic loci, the frequent correspondence between the two units and the great capacity of the locus to survive as a

unit of post-mediaeval administration even when subsumed within a larger poor law township suggest that it is not unreasonable to take the locus as the basic unit of social territory within which the settlement pattern was contained.

A second major conclusion which can be drawn from the discussions presented in this chapter is that, in the great majority of cases, the pattern of basic units of administration in Copeland coincide with the pattern of lordship, the lowland township generally being coterminous with the estate of a mesne tenant. The pattern of township boundaries shown on the Ordnance Survey map should thus be thought of, rather, as a pattern of tenurial boundaries separating the estate of one lord from another.

Given this close association between locus and manor, the imponderable question of the origins of land ownership is raised when the origins of these basic territorial units are sought. Does the identity of a block of territory as a township bearing its particular distinguishing name spring from its cohesion as a unit of lordship? In an area of hamlet settlement where townships appear to lack the internal cohesion found in the village cluster this question is particularly pertinent.

A thorough treatment of the question is beyond the scope of this study, but an analysis of the names by which the basic territories of Copeland are known allows some interesting observations to be made. Figure 4.9 provides a two-fold classification of these names (cf. Cameron: 1961, 27), differentiating first between those names which are settlement names in that they include an element referring

to a human habitation, and those which are toponyms, describing a territory by its location or by a topographical feature contained within its bounds. It also differentiates between those names which were judged by the authors of the Place-Names of Cumberland to contain a personal name and those which do not.

Both settlement names and names which include a personal name are concentrated along the coastal strip, and it is tempting to relate this distributional pattern to the concentration of mesne manors down the coast, outside the upland free chase. Are we seeing in "Ecgel's open land" (Eaglesfield) or "the tun of Weorc's people" (Workington) (PNC; ii, 378, 455) the names of early lords of these territories? Almost certainly the Punzon from whom Ponsonby is named was the father of John son of Puncon who was lord of Ponsonby in the later-12th century³². The absence of personal names in the free chases of the western Lake District on the other hand could be related to the fact that all the land in each free chase was retained under the direct control of the chief lord of the federal estate and there would be no cause to distinguish between adjacent territories in the same way.

If one theme is to be isolated from the discussions in Chapter III and IV it is that the territorial structure of Copeland must most realistically be seen as an expression of the pattern of feudal lordship in the area. The close relationship between the large ancient ecclesiastical parishes and the ancient pattern of overlordship was noticed in Chapter III, while the frequent correspondence between the locus (or township) and mesne manor has formed a theme in this chapter.

C H A P T E R V

FARMING IN COPELAND AND MODELS OF
AGRARIAN ORGANISATION IN UPLAND NORTHERN ENGLAND

The second section of this study aims to examine the patterns of spatial organisation for agrarian purposes in Copeland in the light of the territorial framework outlined in previous chapters.

Chapter V is intended to act as an introduction to the examination of detailed evidence for agrarian organisation presented in subsequent chapters. It is divided into two sections, the first attempting to identify the economic aims of the farming community in mediaeval and 16th century Copeland, and to analyse the system of husbandry used to achieve these economic objectives. Having identified the economic basis of agriculture in Copeland, the discussion proceeds, in the second section of the chapter, to examine in general terms the organisation of space for agrarian purposes elsewhere in northern Britain in areas with rural economies similar to Copeland.

A. RURAL ECONOMY AND HUSBANDRY PRACTICE

The discussion in the first half of this chapter seeks to present a picture of the type of agriculture practised in Copeland during the mediaeval and 16th centuries, in order to provide a factual basis on which to build subsequent discussions of concepts of spatial organization for agrarian purposes. The aim of this section is thus to answer two questions: first, what were the economic goals of the farming communities of Copeland in the period under study and secondly, by what management practices did they attempt to achieve these goals?

The section is divided into three parts; the first presenting a detailed picture of the 16th century rural economy in Copeland, based largely on the evidence of late-16th century probate inventories. A second section examines what little detailed local evidence survives from the mediaeval centuries in an attempt to assess the degree to which the economic goals of agriculture in the area changed between 1200 and 1500, and the final section examines briefly the scanty direct evidence for the details of stock and crop husbandry practices.

1. Rural Economy in 16th Century Copeland

In her nation-wide survey of regional contrasts in 16th century rural economy, Thirsk (1967, 21) has drawn attention to the contrasts between the mountainous core of northern England and the coastal lowlands which surround it. She

envisages the economy of the upland core as being geared almost exclusively to stock-rearing by the scarcity of cultivable land, while the nature of the terrain of the lowland periphery allowed a higher proportion of arable land, although even in these areas the economy was still biased towards the breeding of cattle and sheep. The sharp physical division within Copeland between the mountainous terrain of the western Lake District and the undulating coastal lowland has been noted in Chapter I (p.11) and Thirsk's model provides a useful starting point for discussion helping to put into perspective any differences which might be found on examination of detailed evidence from the two parts of Copeland.

The theme of a strong pastoral bias in the economy of the area is also brought out in the preamble to the Crown survey of the Earl of Northumberland's estates in Cumberland carried out by Hombertson and Hall in 1570. Presumably referring particularly to the former free chase areas of the western Lake District valleys in which the bulk of the Earl's customary tenants lived, they wrote:

"albeyt the countrey consyst most in wast grounds..... yet ys yt very populous and bredyth tall men and hard of nature whose habitacions are most in the valleys and dales wher every man hath a small porcion of ground.....their greatest gayne consysteth in bredyng of cattell w^{ch} are no charge to them in the somer by reason they are pastured and fed upon the mountaynes and wasts wher they have sufficient pasture all the yere.....and because the greatest parte of the countrey consysteth in wasts and mountaynes they have but little tillage...."¹

To test the accuracy of these observations and to assess any differences there might be between upland and lowland Copeland, an analysis of a sample of over 100 probate

inventories from the period 1570-1600 has been carried out. As the aim was to assess the characteristics of the crops and livestock raised by typical farmers in Copeland, inventories of town-dwellers and of countrymen whose chief occupation was not farming (e.g. cottagers, parsons) were excluded from the sample, as were those of widows on the grounds that it is frequently impossible to ascertain whether the goods listed represent the widow's third or half share of her husband's goods or her husband's total estate². As Figure 5.1A shows, these restrictions on the inventories used in the analysis still resulted in wide variations in the total value of stock and crops, although in 71% of the inventories sampled this value fell between £5 and £30.

In an attempt to cancel out these differences in the absolute quantities of crops and animals kept by each farmer, the value of all livestock expressed as a percentage of the total value of all stock and crops³ has been used to gain an overall impression of the relative importance of the agricultural and pastoral sides of the economy and the differences in this balance between different parts of Copeland. Such a method assumes, first, that there is little difference between the economic bias of smaller and larger farms and, secondly, that there is no great seasonal variation between the relative values of stock and crops⁴. Figure 5.1B,C presents control graphs which, it is suggested, show that a simple comparison of stock value as a percentage of total stock and crop value is not invalidated by these assumptions but provides a useful assessment of the degree of pastoral

bias in the rural economy. Figure 5.1B shows that there is no clear correlation between increasing farm size and an increased bias towards either pastoralism or agriculture, while Figure 5.1C shows that, although stock value percentages increase during the summer months (presumably after the calving and lambing season) and decrease during the winter (perhaps explained by crop value boosted after the late Cumbrian harvest, or by the sale of livestock in the autumn), seasonal variations are not great.

A further control on the results of this analysis of inventories from Copeland is provided by comparison with results gained by the same method of analysis by Yelling (1966, 221) working on inventories from eastern Worcestershire. From a sample of 236 inventories dating from summer months in the period 1540-1599 an overall average stock value of 61.5 per cent is obtained for Yelling's study area as a whole. Within this a distinction can be drawn between the arable "champion" areas of the Severn and Avon valleys which yield stock values in the region of 45-60 per cent and the enclosed "woodland" area of northern Worcestershire where the pastoral element was larger and values of 60-80 per cent occur.

The results of this analysis of inventories from Copeland are shown in Figure 5.2A. As predicted a strong pastoral bias is shown both in the coastal lowlands and in townships in the Lake District valleys⁵, with average stock values of 75.9 per cent for the lowland area and 86.4 per cent for Lakeland townships being obtained. These values are markedly

higher than those found by Yelling even in the more pastoral areas of northern Worcestershire and serve to stress the strong pastoral bias in the economy of Copeland. A comparison of the separate histograms of stock values in Lakeland and lowland townships presented in Figure 5.2A confirms Thirsk's conclusion that, as might be expected by the nature of the terrain, the bias towards stock-rearing was greater in the upland Lakeland area than along the coastal lowlands.

Having isolated the herds and flocks of livestock as forming the greater part of the wealth of the 16th century farmer in Copeland, attention is now turned to the structure and composition of these herds. The table below presents a crude analysis of the kinds of animals kept, based on the occurrence of at least one animal of a particular species in an inventory.

Per cent of inventories in which each type of animal occurs

	Lowland townships (54 inventories)	Lakeland townships (50 inventories)
Sheep	93	92
Cattle(excluding oxen)	100	98
Oxen	61	10
Horses	96	80
Pigs	28	18

Sheep, cattle and horses were thus ubiquitous throughout Copeland, while pigs appear to have been relatively uncommon. The major contrast between Lakeland and lowland inventories is the far less frequent mention of oxen in the

Lake District valleys, their concentration along the lowlands perhaps being explained by their use as draught animals to pull the plough in this area where, as suggested by Figure 5.2A, the arable element of the farm economy was greater than in the Lake District.

However, this crude analysis of the species of animals listed in the inventories obscures an important contrast between the economies of Lakeland and lowland areas. As Figure 5.2B shows, a comparison of the relative value of the sheep flock in the two areas (by expressing it as a percentage of total stock value) shows a marked contrast between the two areas. On average, the Lakeland farmer's sheep flock comprised a little over half (52.1 per cent) of the value of his stock, while sheep made up only a quarter (25.2 per cent) of the value of his neighbours' stock along the coastal lowlands. That this difference was not merely the result of the more frequent occurrence of oxen in the lowlands, resulting in a proportionately greater value being placed on the non-sheep livestock in these areas, is confirmed when the absolute numbers of sheep and cattle in both Lakeland and lowland areas are compared (Figure 5.3). Almost half the lowland farmers whose inventories give details of flock size owned under 20 sheep while a far wider spread of flock size is recorded for Lakeland farmers. Fifteen of the 41 Lakeland inventories detailing flock size list flocks of over 100 sheep compared with only 3 of the 37 lowland inventories in the sample. From the evidence of both parameters used to gauge the importance and size of sheep flocks in the individual farmer's economy it can be concluded that sheep

farming was of far greater importance in the Lakeland valleys in the 16th century than along the coastal lowlands and that sheep frequently represented a major part of a Lakeland farmer's farming capital⁶.

The structure of these 16th century Lakeland sheep flocks seems to confirm that sheep were kept primarily for their fleeces rather than as store animals for their meat. Trow-Smith (1957, 149) has indicated how the retention of a high proportion of wethers in relation to the number of breeding ewes in the flock is a feature of a flock kept for its wool rather than its meat and such a pattern is exhibited in four inventories from Copeland which give detailed breakdowns of large sheep flocks.

Structure of Sheep Flocks

Name:	W. Cowper	R. Fyssher	H. Mayson	J. Fletcher
Parish:	Crosthwaite	Crosthwaite	Crosthwaite	Whicham
Date of Inventory:	11-6-1579	23-6-1589	11-4-1587	13-6-1576
	%	%	%	%
Wethers/geld sheep:	67 (50)	98 (59)	44 (52)	40 (33)
Ewes (with lambs):	38 (28)	32 (19)	31 (37)	40 (33)
Hoggs:	30 (22)	36 (22)	9 (11)	40 (33)
Total:	135 (100)	166 (100)	84 (100)	120 (100)

A fairly large sheep flock geared towards wool production would thus seem to have been the mainstay of many Lakeland farmers' livelihoods in the 16th century.

It is less easy to draw firm conclusions as to the economic goal behind the size and structure of the herds of

cattle listed in the inventories. Figure 5.3A shows that, in contrast to the pattern of sheep flock size, there was little difference in the size of cattle herds between Lakeland and lowland areas, an average herd of about 10 beasts being found in both parts of Copeland. Little is known of the trade in cattle and droving practices in Cumbria in the 16th century, but a considerable movement of cattle southward across the Border at Gretna is documented in the 17th century (Trow-Smith, 1957, 223, Thirsk, 1967, 32) and, if this movement of beasts also occurred in the previous century, it is possible to visualise a trade in Cumbrian store cattle southward to the urban markets of England. The large numbers of "young cattle" described in the inventories and the general preponderance of quyes (heiffers) over stirks (bullocks) perhaps also point to a conclusion that the main profit from a cattle herd in 16th century Copeland came from the sale of bullocks, the young female cattle being kept to replenish the breeding herd.

If livestock formed the mainstay of the economy of 16th century Copeland, the cultivation of albeit small quantities of grain crops formed a ubiquitous and vital adjunct. Even the large-scale sheep and cattle breeder of the Lakeland valleys cultivated a few fields around his farmstead. The table below provides a crude analysis of the frequency with which different crops appear in the inventories:

Per cent of Inventories in which each crop occurs

	Lowlands(24 inventories)	Lakeland(29 inventories)
Wheat	4	10
Bigg/Barley	83	86
Haver/Oats	96	76
Rye	12	10
Hemp	16	3

Barley and oats thus appear to have been ubiquitous, other crops occurring relatively infrequently.

Where inventories give details of the composition of these crops some idea may be gained of the importance of the two main crops in relation to each other. In almost all cases where such a comparison can be made, larger quantities of oats than of bigg (barley) are found, the former crop being more dominant in the Lakeland valleys than along the coastal lowlands⁷. The impression, therefore, is of a preponderance of spring-grown crops (oats and, to a lesser extent, bigg) with relatively little winter wheat, although this winter-sown corn is attested in 4 inventories out of the total sample of 144⁸. In its heavy reliance on oats Copeland is typical of much of the upland north and west of Britain in centuries prior to the Agricultural Revolution.

The economic goal behind the cultivation of these crops is unclear from the evidence of the inventories. Much of it was presumably used as the basis of the human diet (frequent references to hayver meall and mault confirming

the conversion of part of the crop for human use) but how much, if any, of the crop was sold cannot be deduced.

The evidence of late-16th century probate inventories from Copeland thus confirms Thirsk's conclusion that the rural economy of northern England was biased heavily towards stock-rearing, even in the lowlands peripheral to the Lake District. The breeding of cattle for sale as store beasts and the maintenance of a wool-producing sheep flock are the salient features of stock-rearing in 16th century Copeland, but, although biased towards livestock production, the typical farmer retained a measure of self-sufficiency by the cultivation of spring-sown grain crops.

2. Mediaeval Evidence

A recent attempt to summarise evidence from a variety of sources on 13th century farming in the north of England has been made by Miller (1976). His conclusions suggest that the pattern outlined above as occurring in 16th century Copeland (characterised by its heavy accent on pastoralism and the production of oats as the staple crop) was broadly similar to that found throughout the north three centuries earlier.

No direct evidence for the scale and structure of 13th century peasant agriculture in Copeland can be found but the excellent series of Ministers' Accounts covering the Fortibus' portion of the Honour of Cockermouth between 1267 and 1293⁹ provides useful details of demesne agricultural enterprises and enables some assessment of changes in

the economy of the area between 13th and 16th centuries to be made. Two sets of accounts have been used in this discussion, those of the arable grange near the castle at Cockermouth and those of the stock-rearing enterprise in the upland pastures of Derwentfells controlled by the manorial instaurator or stock-keeper.

The accounts of the grange confirm the prime importance of oats, although wheat, barley and rye were also sown. In 1267, 100.5 acres (40.6 ha) of the 121 acres (49 ha) of sown land on the grange that year were under oats, but, in contrast to the pattern described in 16th century inventories, more wheat (10 acres; 4 ha) than barley (6.5 acres; 2.6 ha) was sown¹⁰. The accounts also show that the grange was primarily producing a cash-crop, all grain surplus to the requirements of the castle household (for flour, malt, fodder for draught oxen and horses, and for seed) being sold¹¹.

The second element of demesne agriculture portrayed in these accounts is the large-scale livestock-rearing enterprise based on the fells south of Cockermouth. A survey of the estate in 1270 includes a list of five pastures in the northern fells of the Lake District with an assessment of their stocking capacity which totalled over 200 cattle, 1050 sheep and 60 goats¹². When the accounts of the Instaurator open in 1267 the total stock under his control amounted to 270 cattle and 606 sheep. Although the scale of this seignorial enterprise provides little information about the size of peasant flocks and herds in the area at that time, the details the accounts provide of management

policies and the revenue brought in by the stock-rearing enterprise may perhaps reflect the techniques and economic goals of the local peasantry.

The demesne stock-rearing enterprise brought in receipts from three main sources, each accounting for approximately one-third of the total annual revenue. First was the sale of wool from the sheep flock; second, the sale of milk from both cows and ewes; and, finally, the sale of animals draughted from the flock or herd. When, after 1280, the cattle ranch at Gatesgarth (NY 19 15), consisting of a herd of 40 milk cows and their followers, was managed independently, sales of milk accounted for the larger part of the annual income¹³. The seignorial cattle-herd on the Cocker-mouth estate was thus essentially a dairy herd, the heifers and bullocks bred on the vaccaria generally being kept until their fourth year when the former were used to replenish the breeding stock and the latter were sold¹⁴.

The large flock of sheep managed by the Instaurator of Cockermouth in the 1260s was probably typical of the use made of the extensive mountain pastures of the Lakeland fells in the 13th centuries. Large-scale sheep-rearing by the monastic houses of Furness and Fountains in the Lake District at this time is well-known (Rollinson, 1967, 82) and the proliferation of fulling mills in most Lakeland communities by the turn of the 14th century¹⁵ is probably evidence of the great importance of sheep in peasant agriculture. It should also be noted from the accounts of the Cockermouth estate's demesne livestock enterprise that, although the structure of the sheep flock (the predominance of wethers (multones) over

ewes (oves matrices)¹⁶ comparing closely with the flocks described in 16th century probate inventories) is typical of a flock kept for its wool, the sale of ewes' milk formed an important adjunct to the sale of fleeces. If typical of peasant as well as demesne flocks, this suggests that the sheep was regarded as more than simply a wool-growing animal in the Lake District in the 13th century.

However, the accounts also chart the rapid decline and extinction of the demesne sheep flock during the later 1270's, probably as a result of the vicious and fast-moving attack of "murrain" which swept across northern England between 1276-8 (Denholm-Young, 1937, 60-61). The effect of this disease in subsequent decades and into the mid-14th century in the vicinity of Cockermouth appears to have been disastrous¹⁷ and raises the possibility that the economic basis of local farming might have been forced to shift at this time. For how long the effects of sheep "murrain" disturbed the local economy cannot be ascertained from surviving evidence, but the probate inventory evidence presented above shows that by the late-16th century, the sheep was once again the mainstay of many Lakeland farmers' livelihoods.

One change in the rural economy of Copeland which can, however, be identified between the 13th and 16th centuries is the decline in importance of the pig. In the late-16th century probate inventories pigs are mentioned in only 24 of the total 104 inventories and, when they are listed, only a small stock (generally one or two and never more than four)

is found. The 13th century accounts suggest that the pig was a far more common and important animal in the rural economy of that time. Payments both in money and in kind occur each year in respect of pannage for pigs in the mountains of Derwentfells and, although most accounts give no more than a lump sum of money received from pannage, the accounts for 1282/3 and 1289/90 specify that the sums received were for the pannage of 171 pigs and 93 hogs (hog'), and 123 pigs and 95 hogs respectively¹⁸. Presumably grubbing in the remnants of woodland in this part of the Lake District, the pig appears to have been considerably more important in the later 13th century than it was three centuries later. In the absence of evidence for the absolute numbers of pigs kept at different dates it is impossible to chart in detail the animal's decline in importance, but the frequency of presentments against stray pigs and goats in the late-15th and early-16th century court rolls for the Honour of Cockermouth¹⁹ perhaps suggests that the decline to the low levels attested by the probate inventories occurred fairly late.

In summary, both the 16th century and mediaeval evidence presented above concurs and suggests that the bias in the rural economy of Copeland throughout the period under study was strongly towards stock-rearing, with the maintenance of sheep flocks primarily for their wool being isolated as an important feature of the Lakeland area. Along the coastal lowlands a more mixed economy, characterised by smaller sheep flocks, ubiquitous small herds of cattle, and the greater importance of crop production may be postulated.

3. Husbandry Practice in Copeland: The Farming Year

Having assessed the economic goals of the mediaeval and 16th century agricultural communities in Copeland, the management practices employed to achieve these goals are now examined in an attempt to link the economic analysis presented above to the concepts of spatial organisation to be considered in the second section of this chapter.

The annual rhythm of farming activity in the pastoral north and west of Britain before the 18th century Agricultural Revolution has been neatly summarised by Dodgshon (1973, 18) into a diagrammatic model which is reproduced in Figure 5.4A. In this, the territory occupied by a community of farmers is divided into two parts: the tilled land and meadows from which crops of grain and hay are taken each summer, and the natural pastures (the common waste) on which the community's stock grazes for much of the year. The model hinges on the seasonal movement of stock (and their dung) between the two land-use elements. The beasts were brought into the tilled area and meadows (termed infield in the diagram) after harvest to graze the aftermath and return their manure to replenish the soil's fertility, subsequently being wintered on hay in the farmstead's byre or stockyard. In the spring the animals were returned to the unenclosed common grazings while crops of grain and hay grew and ripened on the arable and meadow land which was protected from the grazing beasts by a surrounding fence.

It is difficult to corroborate such a model (based on 17th and 18th century Scottish sources) by detailed local

evidence from 16th century Copeland, but two documents survive which imply the seasonal movement of stock between different categories of land and may be compared with Dodgshon's diagram. Both refer to the management of controlled pasture reserves which may be thought of as a third category of land mid-way between the arable and meadow "inbye" land and the common grazings of the waste (Figure 5.4B). As the documents refer to the Lakeland valleys of Loweswater and Eskdale the seasonal movement of stock is out onto the steep fellsides in the summer months and back down to the lower slopes and valley floors in the winter. The controlled pasture reserves take the form of separate areas of grazing on the lower slopes of the fellsides reserved for the use of cattle during the summer months, referred to as "cow pastures" in Eskdale²⁰ and taking the form of shared pasture closes at Loweswater²¹. When the cattle were brought in to the arable and meadow land of the valley bottoms during the winter months these cow pastures provided less exposed and probably better quality grazing for the sheep flock. Although more complicated than the simple model reproduced in Figure 5.4A, the arrangements described in these 16th century documents confirm that seasonal movement of stock was crucial to the system of husbandry practised in Copeland at that time.

The practice of bringing animals into the community's arable land during the winter hinges on the growth of spring-sown, rather than winter-sown crops. The predominance of spring-sown oats and barley in the late-16th century probate

inventories from Copeland has been noted and would appear to be confirmed by the seasonal occurrence of the summary description of the crop in the inventories as "seed and arder" - i.e. a notional value for seed and labour given to a crop standing in the field²² (Fig. 5.4C).

The use of common arable fields as a grazing reserve in the winter months is attested by evidence from throughout England over the whole of the mediaeval period (Homans, 1941, 59-60, Thirsk, 1973, 247-8) and there is evidence that in upland parts of northern England, even where fields were severally apportioned to individual farmers during the growing season, all the beasts of a neighbourhood could graze throughout the enclosed area in the winter. Such practices led to the distinction, found in Copeland from 13th century land charters²³ to 15th and 16th century court rolls²⁴, between the "closed season", when animals were excluded from the fields while crops were growing, and the "open season" when enclosures were opened to allow beasts to graze on the stubble. 16th century sources from Copeland suggest that the open season ran from 1st November to 25th March each year²⁵, dates which recur in contemporary references to stock-management practices in Copeland (Fig. 5.4B) and in a Northumbrian source of 1279²⁶. Such a system is paralleled in a late-12th century grant of land at Preston in Kendale, Westmorland in which the appendant common of pasture is specified as being

infra Ekergart per tempus iemale et vernale....et
ab inicio aestatis extra Ekergart cum aliis hominibus
usque ad festum Sancti Martini²⁷

The Ekergart is presumably the "acre-garth", the enclosure surrounding the community's tilled land. Indeed, this system of "half-year lands", tilled severally during the summer, but grazed in common during the winter appears to have been another ubiquitous feature of the system of husbandry in pastoral areas where simple rotations of spring-sown crops relied on dung from grazing animals to restore nutrients to the soil between growing seasons.

In such a model of stock and crop management the concept of the head-dyke (the boundary separating arable and meadow land from unenclosed common grazing - cf the Ekergart in the 12th century grant quoted above) is fundamental. In the summer months it physically divided the pastoral from the agricultural side of the farm economy, protecting the growing crops of grain and hay from the stock grazing the unenclosed pastures of the waste.

B. MODELS OF AGRARIAN ORGANISATION IN
STOCK-REARING AREAS OF BRITAIN

The evidence presented in the first part of this chapter points firmly towards the stock-rearing basis of the rural economy of Copeland throughout the period under study. An attempt is now made to draw together a range of published material on spatial patterns of agrarian organisation in pastoral areas to provide a conceptual framework within which to contain the local evidence from Copeland which is presented in subsequent chapters.

The aim of the whole second section of this study is to examine the manner in which the rural communities of Copeland organised their territories to meet the economic ends outlined above and behind much of the subsequent discussion lies the concept of the economic territory utilized by a particular grouping of society. Such a concept assumes that a defined tract of land may be assigned to each community of farmers and implies that it should be possible, by identifying the boundaries between the economic territories of adjacent communities, to map a pattern of territorial cells in a manner similar to that used in Chapter IV.

Such a brief is broader than the traditional scope of studies of field-systems which concentrate on the organisation of arable land. The communally-operated, subdivided, arable fields, which have been central to studies of field systems since the epic works of Seebohm (1890) and Gray (1915), are well-attested in most pastoral areas of Britain

(Dodgshon, 1975a (Scotland); Buchanan, 1973 (Ireland); Jones, 1973 (North Wales) and Elliott, 1959a, b, 1973 (Cumbria and North-West England)), and studies of agrarian organisation in these areas have tended to concentrate on the disposition of holdings within these subdivided fields and the manner of their management, including their use as grazing reserves when lying fallow. They have paid comparatively little attention to the organisation of the pasture reserves of the waste which were presumably central to the economy of a pastoral community. The scope of the following discussion is, by using the concept of the economic territory of a community, to examine evidence from throughout upland northern England for the spatial organisation of both the agricultural and pastoral sides of the farming system in the mediaeval and 16th centuries.

1. The Head-dyke

The brief discussion of mediaeval and 16th century husbandry practices in Copeland in the previous section of this chapter isolated the head-dyke as a fundamental element in the system of husbandry in pastoral areas which hinged on the seasonal movement of stock.

The term head-dyke is borrowed from Scottish usage in which it is applied to describe the field boundary - normally a dry-stone wall or substantial earthen bank - which formed the basic subdivision of a pastoral community's territory by dividing reserves of arable and meadow land from unenclosed waste (Robertson, 1949, 6-7; Whittington, 1973, 535). Most marked in areas with great amplitude of

relief, where the head-dyke frequently coincides with the break in slope separating cultivable land in a valley bottom from a steep and barren mountain side, such a clear-cut division of a community's territory is ubiquitous in pastoral areas of north-western Europe. In south-western Norway the term utgard (literally "out-fence") is used to describe the stone and turf bank separating each community's arable and meadow land (innmark) from the tracts of moorland and bog (utmark) which covered the greater part of the land surface before the sweeping changes effected by 19th century land reform. (Rønneseth, 1974, 25 and Figs. passim.) The same concept is equally applicable to undulating lowlands where a fairly high proportion of the land surface remained as waste and a discontinuous head-dyke separated islands of cultivated land from the unimproved pastures. Figures 5.5 and 5.6 reproduce the patterns of enclosed land and waste shown in some published plans of territories in Scotland, Ireland and Sweden (Fig. 5.5) and various parts of England (Fig. 5.6). A comparison of these patterns with the pattern of "ancient inclosures" and waste in 18th/19th century Copeland, reconstructed in Figures 1.3 ; 1.4 , allows certain salient features to be identified.

In most of the examples in Figures 5.5 and 5.6 the farmsteads are found to be located either along the head-dyke or at the foot of an outgang, a funnel-like drift way linking the settlement with the bulk of the waste. Such patterns occur in Copeland but not to the exclusion of farmsteads and hamlets scattered throughout the "ancient inclosures" apparently without access to the waste (Fig. 1.3).

The location of farmsteads along the head-dyke as found at Wotton Underwood, Bucks. and in parts of Cumwhitton, Cumb. (Fig. 5.6) is repeated in many Copeland townships (cf especially Blindbothei township, Fig. 1.7A) and in heathland areas of East Anglia (Smith, 1967, 272). Similarly, the pattern of an attenuated outgang linking a clustered settlement to its pasture reserves has a wide distribution. The outgangs from many of the villages of north-west Copeland (e.g. the Cliftons and Eaglesfield, Fig. 1.7A,B) are examples of a pattern found elsewhere in Cumberland (Cumwhitton, Fig. 5.6), in Northumberland (Long Houghton, Fig. 5.6, Hexham, Ridley, 1974, 214) and in both 17th century Swedish plans (Lindquist, 1961, 213-4 and cf Fig. 5.5C) and relict field patterns in Norway (Myhre, 1972, 16-17, 169; Rønneseth, 1974, 40-1 et passim). Both these patterns may be thought of as different solutions by a society in which stock-rearing played an important part to the problem of siting their houses and buildings to allow ready access to both tilled land and pasture reserves, the complementary elements of their economic territory between which their labour was split.

The head-dyke has thus been identified in functional terms as a land-use division fundamental to farm management in a stock-rearing area. In England, it can also be thought of as the physical expression of a fundamental legal distinction between the land on either side of it. All land within the head-dyke is held in individual ownership for at least part of the year, the rights of individual owners enabling

them to till and take the produce from particular parcels of land for their exclusive use. Thus, for all practical purposes (regardless of the intricacies of the feudal tenurial hierarchy) every plot of land within the head-dyke can be assigned to a particular owner. In contrast English legal theory in the post-mediaeval centuries held that rights in the soil of the waste outwith the head-dyke were vested in the lord of the manor but that his power to enclose and till pieces of waste was severely limited as the waste was encumbered by the pasture rights of the tenants of the manor, which, in common law, he must not diminish (Gonner, 1912, 49; Harris and Ryan, 1967, Chs. I and II). The status of the waste and the carefully-balanced, conflicting rights of lord and tenants ensured that it remained as unenclosed and unimproved common grazing land and the extinguishment of this complex balance of rights often required all the cumbersome machinery of the 18th and 19th century Parliamentary Enclosure Acts.

The importance of the legal distinction between waste and enclosed land (embodied physically in the head-dyke) is that it has serious implications when an attempt is made to determine the economic territory utilized by a community whose farming operations link land on both sides of the head-dyke into a single agrarian system. Rights of pasture, turbary etc. on the waste are held by all tenants of a manor and are, theoretically, not limited to any particular part of the manor's waste. If these tenants organise their land within the head-dyke as a unitary whole then their economic territory may be defined simply as the assemblage of

enclosed land and waste. If, on the other hand, the manor embraces a number of village or hamlet communities whose enclosed lands are organised independently of each other but who, as members of the same manor, have common rights on that manor's waste, a problem of definition arises. Although the economic territories of the separate communities may be identified within the head-dyke on the basis of the location of land held by the members of each community, no such division of the waste is possible as the common rights of all communities are general over the whole waste.

The fundamental difference between the patterns of proprietary land rights on either side of the head-dyke is that the rights of individual members of the farming community can be defined spatially on land within the head-dyke, while rights on the waste could not be so defined, one man's pasture right being general to the whole waste and not confined to one part of it. Where the waste was primarily an element of the assemblage of rights which formed a manor, the head-dyke can be envisaged not only as a functional boundary between tilled land and common grazing but also as the boundary between two complementary but independently-organised sectors of territory.

The clear-cut legal position of the English waste, outlined above, should be considered as being most applicable in the late- and post-mediaeval centuries. The earlier pattern of rights on the waste will be examined below (p.160) but most authorities would agree that the late-mediaeval balance of rights was the result of a gradual

process of definition as the conflicting rights of lord and tenants crystallised in the face of increased pressure on depleted reserves of waste. Vinogradoff (1905, 368, note 10) concludes that

"The distinct formulation of the view that the lord is the real owner of the waste belongs to the later half of the feudal period."

In addition to the explicit provision, contained in the "Statute" of Merton in 1236, which protected the grazing rights of freeholders within a manor from a lord's desire to convert waste to his own use, a gradual growth in the power of the customs of the manor to preserve the rights of the villein population must be invoked to explain the fine balance in which the waste was later held.

Perhaps more easy to trace over the mediaeval centuries is the process of enclosure from the waste by which the head-dyke line was extended to the position shown on post-mediaeval plans. Studies in the economic history of Britain, and indeed of Western Europe as a whole in the mediaeval centuries have identified a sharp divide in the early-14th century before which population expansion was reflected by vigorous efforts to extend the area of land under cultivation, and after which, in the wake of the havoc wrought by a combination of harvest failure, climatic deterioration and the Black Death, the rural economy suffered a slump and the limits of enclosed land became more or less fixed along the lines at which they were to remain until the sweeping land reform movements of the 18th and 19th centuries (Duby, 1968, 81-87, 295-302; Postan, 1972, Chs. 2 and 3; Hoskins, 1955, Chs. 3 and 4).

In upland northern England the work of a number of writers suggests that the chronology of enclosure from the waste followed a pattern basically similar to the national model outlined above. A vigorous phase of early mediaeval colonisation (11th to 13th centuries), both by peasant communities increasing their area under cultivation and creating new settlements, and by seignorial exploitation of upland free chases as has been described by Tupling (1927, 17-27) in Rossendale, Lancs., appears to have culminated in the settlement and cultivation of much land near to the post-mediaeval head-dyke line by the early 14th century. Eyre (1957, 70) has suggested, on the basis of the occurrence of farm and field names in 13th century land charters, that the post-mediaeval pattern of enclosed land and waste along the edge of the Derbyshire Pennines was a result, even to the details of islands of enclosure, of this early mediaeval enclosure movement.

The effects of the Black Death and other early-14th century disasters in the north of England have hardly been studied and it is unclear to what extent the trends in the 14th and 15th economy seen in southern counties were repeated in this area. Evidence from the south suggests that agriculture suffered a severe slump from c1350 until the middle of the following century, after which population levels began again to rise as the economy pulled out of recession in the 1470's and 1480's (Postan, 1939, 161; Bean, 1963). In the absence of published material from upland northern England in the 14th and early-15th centuries, the question must be left open. However, the piecemeal

enclosure of small encroachments along the edges of the waste in the later-15th and 16th centuries has been noticed in Lancashire (Tupling, 1927, 55), and Derbyshire (Eyre, 1957, 70). Such enclosures are frequently referred to as intakes, a word which implies that a fairly well-defined boundary between enclosed land and waste was in existence. The late-mediaeval period in northern England is perhaps characterized by the fossilisation of land-use patterns during the 14th and early-15th centuries at which time the head-dyke crystallized as a fairly stable and rigid landscape feature to which only minor modifications were made in subsequent centuries. If this generalisation is accepted, the basis of the pattern of enclosed land and waste compiled from post-mediaeval maps and plans was presumably formed in the early-mediaeval colonisation period, the closing phases of which are charted in 12th and 13th century documents.

2. Organisation of Land within the Head-dyke in Upland Northern England

In the introductory description of the landscape of Copeland in Chapter I (p.17) it was noted that, on the eve of Parliamentary enclosure, unenclosed waste accounted for around 30 per cent of the land surface of many lowland townships and as much as 70 per cent of the acreage of some townships in the Lake District. From the few published studies available for comparison such figures appear to have been fairly typical of northern English townships in the post-mediaeval centuries. Butlin (1973, 137) has suggested that waste accounted for between 30 per cent and 60 per cent

of most Northumbrian townships in the 17th century, while in the 1614 Survey of the manor of Wensleydale, in the Yorkshire Pennines only 31 per cent of the land surface lay within the head-dyke (Willan, 1941, xviii). The large proportion of unenclosed waste in these northern districts may be contrasted with figures from parishes in the Arden district of Warwickshire which suggest that only 5-15 per cent of the land surface remained unenclosed in this area in the 16th century (Skipp, 1970, 87).

As the bulk of northern English townships contained between 1000 and 3000 acres (400-1200 ha) (see Ch. II, p. 22) the evidence that 30-60 per cent of this acreage typically remained as unenclosed waste suggests that the typical township in these areas might have contained approximately 500-2000 acres (200-800 ha) of land within its head-dyke. It is the organisation of this sector of the township's territory on which attention is now focussed in an attempt to provide a basis for comparison of the detailed evidence from Copeland to be presented in Chapter VI.

The scatter of single farmsteads, hamlets and looser groupings of farms which forms the settlement pattern of the typical township in Copeland (see above, Ch. I p. 14; Ch. IV, p. 93) is replicated on the modern map throughout the valleys of the Cumbrian, Cheviot and Pennine uplands and along their flanks. Surveys of the 16th and early-17th centuries confirm that such a pattern of settlement distribution was typical of these upland areas at these dates, and studies of field systems in the pastoral upland districts of Northumberland, Yorkshire and Lancashire have concluded that

the small size of the typical grouping of farmsteads was a basic feature which distinguished these areas from the neighbouring lowlands (Butlin, 1973, 125; Willan, 1941, xxiii; Tupling, 1927, 101). Summarising his conclusions on the nature of field systems in Cumberland as a whole Gray wrote:

"We must think of the county as peopled by groups of from five to thirty tenants dwelling in hamlets round which the arable fields were seldom 300 acres (120 ha) in extent, and often not above 50 or 100 acres (20-40 ha)." (Gray, 1915, 231)

The land surrounding each hamlet was often centred on one or more subdivided arable fields, the management of which is generally concluded to have been "irregular" in comparison to the model open-field system of the English Midlands, individual furlongs often acting as the basic cropping unit (Gray, 1915, 240; Butlin, 1973, 143). Whatever the precise arrangements of lands within these open fields, the essential feature of the territories surrounding each hamlet was that each was organised independently of its neighbours.

An example of the scale of the total assemblage of buildings, arable land and meadow which formed the territories around such hamlets is provided by the survey of Wensleydale, Yorkshire, in 1614. Here 14 such hamlet territories are described, each containing between 2 and 11 holdings and covering between 80 and 850 acres (30-340 ha), the majority of hamlet territories (10 of the 14 described) containing between 100 and 300 acres (40-120 ha) (Willan, 1941, xvii). Clearly, the discrepancy between the size of these economic territories attached to each settlement

grouping and the acreage of land within the head-dyke of each township, postulated to have been typical of northern England, suggests that the northern English township must be visualised as containing a number of independent hamlet territories.

Such a conclusion brings us back to the observation by Maitland, quoted at the beginning of this study. Of the civil parish or township in areas of hamlet settlement he wrote:

"On the face of the map there is no reason why a particular group of cottages should be reckoned to belong to this parish rather than to the next."
(Maitland, 1960, 38-9)

The conclusions reached in Chapter IV concerning the relationship between manor and township in Copeland suggest that the answer to Maitland's implicit question may lie in the cohesion of many townships as units of lordship from an early date. The overlying pattern of territorial boundaries may thus be conceived of as a relatively stable framework within which settlement evolved in the mediaeval period. As a preface to Chapter VI, which will examine the evolution of settlement in Copeland, attention is now turned to evidence from elsewhere in northern England for the evolution of these typical small hamlet territories.

A recurrent feature of the holdings which combined to form such hamlets is an element of regularity frequently exhibited by the ancient yearly rents paid for each holding. In a hamlet of 6 holdings, the payment of 10s 0d rent by each holding implies the planned subdivision, by some process not immediately apparent, of a larger original tenemental unit equivalent in fact to the territory of the complete hamlet. The patterns of rents paid by tenants of Furness Abbey in

hamlets in both lowland and Lakeland Furness in 1537 will serve as an example:

Rent Regularity in Selected Hamlets in Furness, Lancs., 1537²⁸

Location	No. of tenements	Rent of each tenement
Low Furness:		
Ireleth	7	26s 11½d
	2	13s 5½d = 26s 11½d
(plus one tenement each at Ireleth Park, <u>Alescales</u> , Roanhead and Marsh Grange, the rents of which bear no relation to the regularity exhibited above.)		
Walney Island:		
Northscale	4	53s 0d
Biggar	8	39s 7d
Furness Fells:		
Elterwater Park	2	10s 9d = 21s 6d
	3	7s 2d = 21s 6d
Brathay	1	22s 0d
	4	8s 1½d
	2	2s 2½d

Such regularity is not exhibited in every hamlet but it occurs sufficiently often elsewhere in the 1537 Rental²⁹ and in early 17th century surveys of hamlets in Coverdale Chase, Yorkshire and Redesdale, Northumberland³⁰, to be isolated as a salient feature of hamlet settlements in the north. Moreover, it is paralleled in the fermtoun hamlets of southern Scotland where the fermtoun itself was thought of as the basic tenemental unit, its constituent holdings

being described in 17th and 18th century rentals as shares (an eighth part, a third part) of the whole (Dodgshon 1975a). The implications of such a concept of shareholding on the physical layout of holdings in the community's territory are now being realised and it is generally being agreed that the desire to keep the notional shares of equal value in terms of the physical attributes of the land may be invoked to explain the subdivision of each block of arable land into open, strip fields (Baker and Butlin, 1973, 638-40; Dodgshon, 1975b, 26-29).

The process usually invoked to explain these 16th century rent patterns in northern England is the survival into the 16th century of the practice of partible inheritance by which tenemental units became progressively subdivided as each tenant's holding was partitioned between his heirs. The process has been charted in 16th century Rossendale, Lancs., by Tupling (1927, 235) where holdings are frequently split between two sons, but never between more than two (ibid, 77), and has been recorded in Orkney and Shetland (Dodgshon, 1975b, 13) and Northumberland (Butlin, 1973, 127) at the same date. Indeed, the 1537 Rental of Furness Abbey records hamlets in Furness, Lancs., where members of one family name are entered as holding 2, 3 or 4 tenements which were "formerly only one".³¹

The importance of partible inheritance in producing the rent patterns discussed above cannot be doubted, but it is unclear how long such a process had been operating. In the examples quoted above from Lancashire, Northumberland

and Yorkshire it is rare to find a hamlet divided into more than quarters or eighths. If partible inheritance continued to be practised well into the 16th century and is invoked as the major process by which the regular rent patterns of that century were achieved, we are forced to conclude that many of the multiple-tenancy hamlets in these areas had evolved from single farmsteads over the 15th and early 16th centuries.

If this is so we are forced to the conclusion that the typical settlement form in upland parts of northern England in the later mediaeval period was the single holding, presumably surrounded by its own ring-fenced block of land. In the absence of published, detailed, local studies of mediaeval settlement systems in upland areas, the question of whether such a conclusion is tenable in the light of earlier documentary evidence must be left open. The origins and development of the hamlet groupings of holdings through the mediaeval centuries forms an important question in Chapter VI.

The frequent occurrence of single farmsteads on the modern map of upland northern England, and the suggestion that some 16th century hamlets in the area might have originated in the subdivision of single holdings, suggests that this is a second important settlement type in such areas. The existence of ring-fenced single holdings is confirmed by the survey of Wensleydale in 1614. In addition to the 14 hamlet groupings, it describes single tenements at Yorescote, Abbots Close and Thwaite and summarises the lands

of each in a form indicative of a ring-fenced block of land:

"George Metcalfe holdeth one mansion house a Barn and a Turfehouse called by the name of Yorescote.... where unto is also belonginge 10 parcells of land lying together by the Ryver of Yore"³²

Although it is impossible to be certain that they refer to ring-fenced blocks, the description in 16th century rentals of single tenements bearing individual names, separate from those of the hamlet settlements also listed, probably confirms the existence of such lone farmsteads elsewhere in the north. Thus, in the 1537 Rental of Furness Abbey, under the graveship of Ireleth (see table above, p.150) are listed four separate holdings at Ireleth Park, Alescales, Roanhead and Marsh Grange. Their rents do not conform to the regular pattern exhibited by the remaining 9 tenements in Ireleth, and the location of these single farms on the modern map in a ring around the village of Ireleth (SD 22 77) further suggests an origin and evolution independent of the hamlet of Ireleth.

As a settlement form the unitary, ring-fenced farm has traditionally been considered to represent a later, secondary phase of settlement, out from the nucleus of a clustered village or hamlet (Duby, 1968, 82-4), and in Britain the establishment of isolated farmsteads has been charted in the 13th century in the Forest of Arden, Warwickshire (Roberts, 1968, 107) and in the 16th century in upland parts of both Caernarvonshire and Lancashire (Emery, 1967, 148-9; Tupling, 1927, 55), in each case representing a final phase of colonisation of former waste.

The foregoing discussion has raised many important questions concerning the evolution of the settlement and land-holding pattern of upland parts of northern England and, in the absence of published detailed studies of the evidence from mediaeval centuries it is difficult to draw together a coherent model to be tested against the evidence from Copeland. The one firm conclusion which can be drawn is that the land within the head-dyke was organised as small cells, a block of territory being assigned to each hamlet cluster or individual farmstead. The earlier history of these two settlement forms is not clear, although it seems probable that some 16th century hamlets were the comparatively-recent result of subdivision of single holdings as a result of partible inheritance, and that some ring-fenced holdings of the 16th century represent recent phases of colonisation onto the waste.

3. Organisation of the Waste in Upland Britain

In many parts of upland Britain in the centuries prior to the Agricultural Revolution land within the head-dyke represented only a small proportion of the total land surface, a pattern of islands of cultivated land lying in a sea of unenclosed waste being not infrequently found. As a preface to the examination of evidence from Copeland for the changing pattern of waste management during the mediaeval and 16th centuries, presented in Chapter VII, the following discussion attempts to draw together both English and Scottish evidence for the division of the waste between adjacent communities.

The legal position of the waste was different on either side of the Anglo-Scottish border and these differences are reflected in the contrasting history of the common grazing in the two countries. As has been suggested when discussing the concept of the head-dyke in England, the delicate balance of the conflicting rights of lord and tenants in the 16th and subsequent centuries resulted in a stable head-dyke line, the unenclosed waste being held in suspension as unimproved common pasture.

The salient feature of this model of English waste management is that, by the operation of common law, the customs of the manor, and the Statute of Merton, the common rights of the peasant farming community were preserved and the lord of the manor's effective control over the use of the waste limited.

In contrast, Scots law (based on Roman law) held that customary rights did not have legal standing and immemorial use of a piece of waste by a farming community had to be substantiated by written evidence in a court of law. Legislation in the Scots Parliament in the later-17th century confirmed this situation by enabling land owners to divide and enclose blocks of waste without reference to the customs of the tenants of the locality. However, Adams (1973), in his recent discussion of the management and history of the Scottish waste, or commonty, presents evidence which suggests that the position of the commonty might have been different in practice, if not in legal theory, at an earlier date. In his early-17th century Jus Feudale, Sir Thomas Craig suggested that a commonty could not be divided unless

all parties with an ancient interest thereon agreed to it:

"in Scotland the general rule that persons who are.... interested in any subject immemorially dedicated to their common use by a long course of uninterrupted possession, are not allowed to break up the state of common possession unless all concur in so doing, applies to any proposal to divide common pasturage and commonties."³³

In the absence of the manorial framework of organisation found in England, how was the Scottish commonty divided into management units? Unfortunately, the earliest detailed surveys and plans of Scottish estates date from the 18th century and it is impossible to ascertain whether the patterns they describe represent recent innovation or the continuation of mediaeval and 16th century management practices. The evidence of a number of published plans of estates in the Highlands on the eve of the Agricultural Revolution concur in showing vast tracts of waste to be divided between individual hamlet communities. Home's survey of the parish of Assynt, Sutherland, in the 1770s shows boundaries between the pastures of each "farm" (joint-tenancy hamlets held generally by 4-12 families) clearly marked across open moorland³⁴, which is a pattern repeated on the northern shore of Loch Tay, Perthshire in the survey of 1769³⁵, and on the Isle of Islay in 1749 (Storrie, 1965, 140).

Maps drawn from similar plans in lowland Scotland suggest that, as in the Highlands, each hamlet community had apportioned to it a demarcated piece of commonty adjacent to its enclosed lands. The plan, reproduced in outline in Figure 5.5A (from Third, 1955, Pl.2) shows the bounds between the lands of Friock, Angus (NO 587 493) and adjacent settlements apparently clearly-defined across open muir in

1766, and redrawn 18th century plans in the work of Third (1955, 84,88), Whittington (1973, 575) and Dodgshon (1975a, 25) seem to confirm that the economic territory of each fermtoun was defined not only through land within the head-dyke, but across open moorland as well.

In areas of hamlet settlement in upland northern England, where a manor often embraced the enclosed lands of a number of hamlet communities, the manorial framework of organisation imposed on the waste by the legal system would imply that land outside the head-dyke was not divided between individual settlements as it appears to have been in 18th century Scotland. Certainly there seems to have been no internal division of the waste of the manor of Cumwhitton, in lowland Cumberland, between its constituent hamlets in 1603 (Fig. 5.6, from Charnley, 1974, Fig. 2.1).

In the uplands, however, there is evidence of more complicated arrangements within the framework of the large manorial units which had evolved, by the 16th and 17th centuries, from the earlier forests and free chases. The extensive manor of Wensleydale, Yorkshire, which originated as the possessions of Jervaulx Abbey in the forest of Wensleydale, may be taken as an example. In the survey of 1614, the waste appears to have been divided into two categories, the Out Moor, on which all tenants of the manor had "common of pasture as appurtenant to their Tenements without stinte or rate", and stinted cow pastures, one such pasture being reserved to the use of each settlement in the manor. By 1614 some of these had been enclosed, but the descriptions

of stints in the cow pastures allocated to the settlements of Dale Grange and Symonstone are more typical:

"There is also belonginge to the said Tenemente (of P. Metcalfe in Dale Grange) 5 cattlegats and a halfe in the common pasture called the Spen and Graingergill"

"There is also belonginge to the said Tenemente (of J. Dente in Symonstone) 13 cattlegats in Symonstone pasture"³⁶

The description of a piece of waste by the name of the settlement by whose beasts it was grazed (i.e. Symonstone pasture, reserved to the use of the tenants of Symonstone) is repeated frequently in the 1614 Survey of Wensleydale, and is found on modern Ordnance Survey maps throughout much of the northern Pennines. For example, in Weardale, Co. Durham, the waste of the township of Forest Quarter in Stanhope Parish, one member of the vast manor centred on Wolsingham³⁷, is labelled according to individual settlements within the township, different banks of moorland bearing the names Burnhope Moor, Puddington Moor, Sedling Moor, Ireshope Moor etc. Similarly, in the valley of the River Hindburn, Lancs., each fellside of waste in the township of Wray-with-Botton bears a distinguishing name linking it with a settlement in the valley bottom³⁸.

Such apportionment of a manor's waste between individual settlements (whether formalized by the creation of carefully-regulated stinted pastures or not) appears to have been a frequent response, accepting the reality of management practice that the many thousand acres of waste embraced by one manor could not be organised as a single undivided unit.

The pattern is made still more complicated by the survival, into the 16th and 17th centuries in some parts of the upland north of the practice of transhumance using summer shielings (e.g. Redesdale, Northumb.; Gilsland, Cumb. - described by Camden, quoted in Ramm et al 1970, 1). In western Northumberland the shieling grounds appear to have been comparable with the stinted pastures found elsewhere in that they were areas of waste within the confines of the manor in which the home farms lay, but organised separately from the bulk of the manor's waste. The description in 1604 of these areas reserved for summer grazing as "shieling grounds....wherein each man knoweth his shielinge steed" (Butlin, 1973, 126) shows how they were distinguished from the bulk of the waste by the designation (in practice, if not in theory) of spatially-defined rights to individual members of the farming community.

So far the examination of patterns of waste management in upland areas of northern England has concentrated on the evidence of 16th and 17th century sources. In the absence of detailed land surveys in earlier centuries it is difficult to draw firm conclusions about the organisation of pastoral practices on the waste in the mediaeval centuries. However, one salient difference between the legal description of common rights on the waste in 16th and 17th century sources and the description of such rights in earlier mediaeval land charters may be noted. The manorial nature of rights on the waste in later centuries has already been noticed, but the phraseology of 13th century land charters gives the impression that a common right of pasture was held

on the wastes of the vill, as an appurtenance to land held in that vill³⁹. Thus, in his discussions of the various legal processes open to a man whose common right has been infringed, Bracton refers repeatedly to the right of common of pasture in such a vill being appurtenant to a free tenement in that vill (Bracton (ed. Twiss), 1883, iii, 537; 543, iv, 483-5). Nowhere does he use the manorial terminology found ubiquitously in post-mediaeval surveys and enclosure awards.

The implications of this 13th century evidence are important, particularly in the light of contemporary usage of the term villa in Copeland: at one level referring to an imprecise unit of territory approximating to the post-mediaeval township; at another level used of a specifically administrative tract of land frequently far larger than the township (see above, Chapter IV). If the waste of the villa was managed as an undivided whole, with which sense of the term villa are we here dealing? Indeed, references to the waste or common pasture "of the vill of A"⁴⁰ suggest that the boundaries of vills had become defined across the waste. When did the waste begin to be considered as an integral part of a vill rather than as an intervening space between vills?

In his study of tenurial patterns in 12th and 13th century Northumbria, Jolliffe (1926, 12-14) has suggested that, not only was the vill the basis of communal obligations and rights (including the right to graze cattle on the waste) but the pasture rights of members of a particular vill were not always confined to the wastes of that vill, consisting sometimes of a set of forinsec rights

organised ultimately within the framework of the shire. In practice this alternative system of waste management, found throughout the shires of Northumbria and Scotland (Jolliffe, 1926, 13; Barrow, 1973, 52) centred on a shire moor, a defined stretch of common grazing which formed a vital reserve of pasture for all the communities in the shire. Again, such a model of early-mediaeval waste management raises important questions concerning the organisation of pasture reserves in Copeland at an early date. The discussions in Chapter III have stressed the antiquity of Copeland as a cultural entity, but have also suggested that the three ancient liberties which constitute the area under study are each more directly comparable to the Northumbrian shire than is Copeland as a whole. Is there evidence from early-mediaeval Copeland for a system of waste management within the framework of these larger units of territory? Chapter VII will take these questions as starting points from which to begin an examination of waste management in 12th and 13th century Copeland.

Where unenclosed pasture was managed on a level higher than that of the individual vill the concept of a clearly-defined economic territory appurtenant to each community breaks down. An intercommoned block of waste adjacent to a community's enclosed land would clearly form a valuable part of the territory used by the farms of that community, yet in such cases, the web of boundaries between the economic cells of adjacent communities (which formed the initial concept in this discussion) breaks down. Nor was such intercommoning confined to the distant centuries before the concept of manorial waste had finally crystallised. Butlin (1973, 137-8) cites examples from the length of lowland

Northumberland where, in the post-mediaeval centuries, remnant blocks of waste were intercommoned by two or more communities, the arrangement being ratified in legal terms by the payment of a nominal rent by those communities outside the manor within the jurisdiction of which the waste lay.

From the foregoing discussions it is suggested that a conceptual framework based on the isolation of not one but two independent economic territories is required when attempting to analyse the agrarian organisation of space in upland parts of northern England. The arable fields and meadows lying around the farmsteads and within the head-dyke were generally managed separately by each hamlet or single farm, the division of this sector of the land surface into economic territories reflecting the settlement pattern of an area. Conversely, no simple model can be constructed to account for the division into management units of the extensive tracts of waste which intervened between the settled valleys. The divisions of the waste seem to have crystallised over the mediaeval centuries as an increasing population exerted greater pressure on these reserves of rough grazing land. When this definition of boundaries and clarification of rights on the waste did occur, the main factors influencing the spatial patterns of use on the waste may probably be identified as, first, the legal view that the lord of the manor was ultimate owner of the waste; second the continuing influence of ancient patterns of rights surviving from the early shire organisation; and third, practical considerations resulting from the disposition of settlements around a particular piece of waste.

CHAPTER VI

SETTLEMENT IN COPELAND : 1200-1600

In the light of the introductory discussion of patterns of settlement and the evolution of these patterns in upland areas during the mediaeval centuries, this chapter attempts first to describe the settlement pattern of Copeland in the later 16th century and, second, to trace the development of this pattern across the mediaeval centuries from the beginning of the documentary record. It is stressed that the scope of the chapter is broader than the detailed analysis of open field arrangements found in many studies of settlement and field systems. The intention is, rather, to identify the economic territories of agrarian organisation within the head-dyke and to attempt to trace the evolution of these territorial cells over the mediaeval centuries.

Such an intention is, admittedly, ambitious given the limited documentary evidence available for Copeland. In particular two data problems may be isolated. First is that in areas of scattered settlement the reconstruction of the settlement patterns from documentary sources using place-name evidence is particularly difficult. In the 15th and 16th centuries the phraseology used to locate a tenement often includes the name of an individual farm or small hamlet which can generally be related to a settlement site on the modern map. In contrast, 12th and 13th century documents tend to locate land only by the vill or territory (cf Chapter IV, p.106) in which it lies, and an examination of the volumes of the Place-Names of Cumberland shows that few individual farm names (as opposed to settlement names which are also vill or locus names) can be documented before

1400. It thus becomes very difficult to reconstruct in detail the internal structure of many townships in the early mediaeval period. In this context, the point recently stressed by Sawyer (1976, 1-2), that the earliest documentary reference to a settlement need not occur until many centuries after that settlement had been founded, must be reiterated. In the discussions which follow, therefore, evidence other than the earliest appearance of a settlement's name will be sought in attempting to trace the evolution of the mediaeval settlement pattern.

A second problem is that the 14th century is a poorly documented period in Copeland and the corpora of evidence which survive for the centuries either side of that century cannot be related to each other with ease, the 12th and 13th century land charters generally referring to the estates of monastic and mesne lords, the 15th-16th century manorial papers concentrating on customary land held directly under the chief lords of Cockermouth and Egremont.

Given these problems, the approach will be, first, to describe the later 16th century settlement pattern and, second, to trace its development retrogressively using the corpus of 15th-16th century material. Then, thirdly, the 12th-13th century evidence will be examined in an attempt to trace the evolution of the settlement pattern in the early-mediaeval centuries, while a final section scrutinizes the scanty evidence for the intervening period in an attempt to link both early and later corpora of evidence into a chronological model of settlement evolution. In the absence

of other studies of settlement in Copeland, this chapter concentrates of necessity on guiding the reader through the detailed evidence of primary sources.

A. SETTLEMENT AND LAND TENURE, 1578

1. The 1578 Survey and Associated Documents: an Introduction

The survey of the Earl of Northumberland's estates in Cumberland, commissioned in 1578¹, describes in detail the holdings of individual tenants at will in those manors then retained directly by the Earl, and provides the starting-point for the discussion of settlement and land tenure in this chapter. The manors it describes lie generally in the former free chases of the valleys of the western Lake District and the survey unfortunately furnishes relatively little information about patterns of land tenure along the coastal strip². The volume is ordered by graveship (the manorial rent-collecting unit which frequently coincided with the post-mediaeval administrative township) and provides two sets of information about each tenement in that graveship. First, it lists in detail the parcels of land which comprise the holding and, second, it assigns to each tenement, and sometimes to particular parts of a holding, the amount of ancient yearly rent due from the tenant for his lands. It is a vital source in this discussion being the only document in the substantial 15th-16th century corpus of manorial papers in the Cockermouth Castle archive which, by using later sources, may be related in detail to the pattern of farmsteads and fields mapped by the Ordnance Surveyors. Furthermore, as it allows the translation of this spatial pattern of land tenure into the units of ancient yearly

rent by which individual tenements are identified elsewhere in this 15th-16th century corpus of evidence, it provides the key to an analysis of the evolution of tenurial patterns in these centuries.

Two earlier documentary sources to which the 1578 Survey will be related in section B of this chapter in an attempt to chart the evolution of tenurial patterns over the century prior to 1578 merit particular mention. First is a draft court book of 1547, apparently drawn up to assess the general fine levied on the death of Henry VIII as the estates were then in Crown hands³. It provides a comprehensive summary of tenurial patterns at that time by listing the name of the tenant, a brief description of his holding, and the amount of ancient yearly rent due from that holding (see Appendix B; p.364-5 for an example of entries in the 1578 Survey and 1547 Court Book). Both the 1547 Court Book and the 1578 Survey may be related, in varying degrees of detail, to the series of 12 ministers' account rolls which survive for the Percy estates in Cumberland between 1437 and 1578⁴. In these the account of the reeve or grave (prepositus) of each graveship is presented, sometimes furnishing little more information than a summary of the rents received from the tenants at will, but in other cases detailing some of the individual receipts which combined to form the total sum. In general, the earlier rolls (those for 1437, 1471 and 1476) furnish more details than the later ones.

In both the 1578 Survey and the 1547 Court Book a distinction is made between the units of rent paid for tenements and smaller additional sums paid for pieces of land considered to be extra to the land of the tenement and for certain specific dues such as the right to brew alcoholic liquor (brewmaſe), or the payments made for grinding corn at the lord's mill (multure) and for fulling cloth at his walk-mill (walker, walking silver).

Such a distinction would suggest that the 1578 Survey is more than a mere field book, listing the tenant of every parcel of land. The tenements it describes are units which exhibit a certain structure and identity regardless of who holds them: not infrequently one man's holding is described as consisting of two tenements or of only a half-tenement. The implication is that the bulk of land within the head-dyke in a particular graveship was assigned to a particular tenement, a unit which did not necessarily correspond to a particular unit of land tenure at the time of the survey, although in practice the majority of holdings did coincide with individual tenements. In the reconstruction which follows in the second part of this section, it is this pattern of tenemental units rather than, simply, the pattern of land tenure in 1578, which provides the basis for discussion.

The method used in section B to trace back the evolution of the late-16th century pattern of land tenure is to attempt to trace the sum of ancient yearly rent paid for a particular tenement back to the 15th century. This makes

the assumption that such rents had become fixed as anachronistic token dues, rather than continuing to fluctuate as realistic economic rents, by the period in question. Both the internal evidence of the series of ministers' accounts and Bean's (1958) work on the administration of the Percy estates in this period suggest that such an assumption is valid from the mid-15th century but possibly not before then. From the early-16th century lordly income from tenancies at will (by this time also being described as "customary tenancies") was increasingly derived from the exploitation of entry fines rather than ancient yearly rents (Bean: 1958, 56-7) and the tenancy evolved into the early-17th century "customary tenantright" whereby holdings passed automatically to heirs, the only serious burden to the tenant being the often substantial fines levied at a change of lord or tenant. In such a situation the ancient yearly rent quickly became an outdated token due, and there are examples of exact stability of rent from the account roll of 1471 to the 1578 Survey⁵.

There are, however, hints in the earliest surviving ministers' account roll (for 1437/8) that the early-15th century tenurial system may have been markedly different. Not infrequently it is stated there that tenements were then being demised at a higher or lower rent (the latter being by far the more common) than at an earlier date⁶. When this is set beside the later evidence for stability of ancient yearly rents from 1471 to 1578 it seems safe to conclude that most rents had become fixed by the mid-15th century.

2. Settlement and Land Tenure, 1578

By reconstructing the spatial layout of individual tenements described in 1578 (see Appendix B), it has proved possible in certain areas to relate the pattern of land tenure on the ground to the pattern of rents paid for these tenements. The largest area for which detailed reconstruction of the 1578 Survey has proved possible is the southern part of the former free chase of Derwentfells, the mountainous block between the Lakeland valleys of the rivers Cocker and Derwent. The total pattern of tenure in this area has been summarised in Figure 6.1, while the detailed reconstruction of tenements in individual graveships, both in Derwentfells and elsewhere in Copeland, are presented as a series of maps in Appendix B (maps 1-10).

Three main elements in the tenurial pattern of those areas described in the survey may be identified:

- a) the compact holding - a single tenement lying within a ring-fence, spatially separate from other holdings in the graveship.
- b) the farm group territory - a group of tenements whose lands lie intermixed in one part of the graveship, and around the perimeter of which a boundary may be drawn separating the land of this group of farms from that of other holdings in the township.
- c) land which is held by members of more than one farm group, or by a number of tenants with otherwise compact holdings. Such land may be conceived of as lying outside the pattern of ring-fenced blocks associated with both compact

holdings and farm group territories.

The salient characteristics of each of these tenurial elements may be noted in turn:

a) Compact Holdings: In an upland area like Derwentfells (Fig. 6.1), characterised in the 18th and 19th centuries by predominantly scattered settlements it is perhaps surprising to find that such individual ring-fenced farms were comparatively rare in the 16th century. Where they did occur, the survey leaves little doubt about the compact, ring-fenced nature of such holdings. For example:

"Peter Skynner holdeth a barne & one Close of Ar: medowe & pasture devided into divers Closes adioyn-
ing to the saide Barne called high Close cont per
est xxx^{ac}. and r, per annum iii^s iiid." (This
holding is numbered 22 on Appendix B, Map 1)⁷

Similarly, at Kinniside:-

"Nicholas Sherpe de Sirrithwate (Sillithwaite;
App. B; Map 6) holdeth a tenem^t two barnes & a
stable, one closse of arr' & medowe & past',
devyded into six partes cont xxx acres wth suff'
Comon and renteth per annum vi^s iid."⁸

Such ring-fenced holdings generally lie along the head-dyke, and in Buttermere, Lorton and, to a lesser extent, Kinniside (App. B, Map 6) form a ring of single farms around a core of holdings whose lands lie intermixed, in a pattern akin to that described at Ireleth in Furness in 1537 (Chapter V, p.153).

The rent payable for any one ring-fenced farm generally bears no relationship to the rents of other tenements in the graveship, a feature which might tend to confirm the suggestion that such compact holdings had an origin separate from that of neighbouring farm groups. At

Buttermere, for example, the rents paid by the compact holdings of Wood House (8s 0d); Spout House (6s 0d) and Bowderbeck (17s 6½d) do not conform with either the regular rents paid by the tenants of Gatesgarth (4 tenements @ 36s 4d) or the rents paid by tenements in the village of Buttermere. This distinction between the core of tenements in the village and the ring of compact holdings around the periphery is repeated in the organisation of payments of walking silver in the 16th century, the tenants in the village paying theirs to the reeve of Braithwaite graveship while the peripheral farms paid theirs to the reeve of Buttermere (see Appendix B, Table III and Map 2). Both the spatial and tenorial relationships between the constituent holdings in the graveship of Buttermere suggest that the compact holdings had an origin independent of the adjacent hamlets of Buttermere and Gatesgarth.

b) The Farm Group Territory. More frequently the land of one man's holding lay intermixed, to a greater or lesser extent, with the fields of his neighbours, and this group of farms can thus be thought of as sharing a delimited territory in one part of a township's inbye land. Table I in Appendix B acts as a key to Figure 6.1 and summarises the size, both in terms of numbers of holdings and approximate acreage of the farm group territories reconstructed in Derwentfells. Sometimes consisting of only 2 or 3 holdings, and rarely embracing the land of more than a dozen tenements, these territories usually contain of the order of 100-300 statute acres (40-120 ha). When related to the

settlement pattern mapped in the mid-19th century it will be noted that not all farm group territories in Derwentfells are associated with tightly clustered hamlet settlements, as in the cases of the villages of Low and High Lorton and Braithwaite, or the hamlet of Littleton. Individual farmsteads, linked by a common place-name, are also found to be associated as a farm group sharing a common territory in 1578. Thus the paired farmsteads of High and Low Armaside and High and Low Swinside appear to be the successors of, respectively, the farm group territories of Armaside and Swinside, listed under Lorton graveship in the survey, while the modern farms of Low Snab, Low High Snab and High Snab in the Newlands valley are represented by the group of 8 tenements at Snabb listed in the survey's description of Rogersett graveship (see Fig. 6.1).

The majority of land within the head-dyke in each of the graveships in Derwentfells is thus found to fall clearly into a number of distinct territories, each bearing a distinguishing name and consisting of a small community of tenants whose lands lie intermixed throughout this territory.

Although such reconstruction of tenorial patterns has proved impossible for large areas along the coastal lowlands, similar parcellation of a township's inbye land between groups of farms distinguished by distinctive settlement names appears to have been ubiquitous and a summary of farm group territory sizes along the coast, reconstructed from both the 1578 survey and a survey of Calder Lordship in 1611, is presented in Appendix B, Table II. The reconstructions of

the survey's description of the scattered settlement pattern in Lowside Quarter (App. B, Maps 9 & 10 and Table II) shows how the hamlets of Over Coulderton, Middle Coulderton and Snellings, and the looser associations of farmsteads at Ehenside and Rothersyke each farmed an appendant delimited territory, similar in acreage to those associated with hamlets in Derwentfells. Where hamlets were larger, the appendant territory was proportionately greater, as in the case of Mockerkin (Appendix B, Map 8 and Table II), a group of 10 tenements whose lands appear to have covered some 520 acres (210 hectares). As the survey provides no comprehensive coverage of any larger villages, no conclusions concerning the arrangement of holdings within these larger settlements may be drawn.

Land within the head-dyke of the typical Copeland township was thus organised as a number of self-contained economic territories each associated with an individual settlement grouping, whether a village, a hamlet or a group of scattered farmsteads bound together by a common name. Indeed such a pattern of economic territories is reflected by the frequent use of these farm group names, rather than the embracing township name, to locate parcels of land in 16th and 17th century documents. For example, in 1517 a place is located as being in teritorio de Lortonscales (Scales, Lorton township)⁹, and in 1617 a deed locates the land granted as being "in the precincts and territories of Gaitegarth" (Gatesgarth, Buttermere township)¹⁰.

A detailed discussion of the patterns of intermixture of holdings within each farm group territory is beyond the

scope of this study, but certain recurrent features and salient contrasts may be noted. First is that although, by definition, the constituent holdings of the farm group lay intermixed, this fragmentation of each holding throughout the territory is not necessarily associated with the existence of open, shared arable fields or meadows. The tenements at Scales and Swinside, Lorton, are all described exclusively in terms of closes held in severalty¹¹ yet when reconstructed the lands of the tenements in each territory are found to be intermixed. More typically, however, a farm group territory included at least a small area of shared arable land or meadow, as at Armaside, Lorton, where in addition to several separate enclosures each tenement held shares of arable land "in the arable field at Hermethside"¹², and in other places considerable arable fields are attested (see App. B, Maps 1,4,7)¹³.

A second feature of the pattern of tenure within the territory of an individual farm group is the contrast between those territories in which each holding is allotted an equal, regular share of the group territory and others in which no such regular disposition of holdings is found. Regular tenurial patterns range from the not-infrequent pairing of tenements, as for example at Snellings, Egremont township or Longlands, Kinniside township (Appendix B, Maps 10,6), where the farm group consists of but two holdings each sharing almost every parcel of their joint territory, to larger hamlets which again exhibit regularity (for example the villages of Over and Middle Coulderton (Appendix B, Map 9), or the farms at Eastwaite in Netherwasdale township¹⁴). In contrast, little regularity can be seen in the

structure of the holdings described in some other farm groups, whether the small hamlet grouping at Armaside, Lorton (Appendix B, Map 1) or in the large village of Beckermest St. Bridget where each of the 8 tenements described in the survey held widely varying parcels in each of the village's arable fields and meadows¹⁵.

Despite these contrasts in internal structure, the essential features of the farm group territory are repeated again and again in the survey where the lands of two or more tenements lay intermixed within a definable territory in one part of a township's inbye land.

When the rents rendered by tenements within a farm group are examined, two contrasting patterns may be identified: first, those farm groups in which all tenants pay the same amount or sums which are subdivisions or multiples of a basic, common sum of rent; and, second, those groups of tenements which do not exhibit such regularity in the pattern of rents paid. The rents of the constituent tenements in each farm group have been appended to the summary details given in Appendix B, Tables I-III.

As might be expected, farm group territories which exhibit a regular disposition of parcels of land between their constituent holdings generally reflect this in a regular pattern of rents. For example, in the hamlets of Middle Coulderton and Easthwaite, cited above as cases where the bulk of the settlement's economic territory is shared regularly between tenements, exactly the same amount of rent is paid by each tenement in the hamlet. Thus the

four tenements at Middle Coulderton each render 10s 10d rent, while a sum of 5s 0d is due from each of the four holdings at Easthwaite.

As Tables I-III in Appendix B show, such rent regularity is common in the smaller farm groups for which details are available, although it is not ubiquitous - the group of three tenements at Skellgill, (Braithwaite and Coledale), whose lands lie intermixed without any apparent regularity, and which render 13s 10d, 9s 6d and 9s 2d each, may be quoted as an example of an irregular farm group at the opposite end of the spectrum from the regular organisation seen at Easthwaite and Middle Coulderton.

In the larger hamlets for which the 1578 Survey furnishes details no such strict regularity is apparent, but within the 16 holdings at Great Braithwaite, the 11 holdings at Buttermere, or the 10 tenements at Mockerkinn pairs of tenements, or groups of three or four holdings exhibiting a regular rent pattern are found. Indeed, when the tenurial details described at Buttermere in 1578 are collated with those given in the 1547 Court Book (Appendix B, Table III), it appears that the predominantly irregular pattern of rents given in the later source derived, by a process of partition and amalgamation of tenements, from a more regular pattern of rents, the 11 tenements listed in 1578 evolving from 8 basic tenemental units. It should be noted, however, that the rents of these 8 earlier units do not exhibit any regular pattern.

It is suggested that two types of farm group territory - "regular" and "irregular" - can be identified from the 1578

survey on the basis of whether or not the constituent tenements each consisted of a regular share in the group's territory, for which a definite proportion of the total rent rendered by the group was paid. Although the terminology used to describe the regular farm groups of Copeland differs from that found in 17th and 18th century Scottish sources, the similarities in both physical layout and rent patterns between these and the shared territories of Scottish run-rig townships discussed by Dodgshon (1975a) are remarkable.

c) Land Outside such Farm Group Organisation. Although it accounts for the bulk of the cultivated land in a typical 16th century township in Copeland, the model of clearly-defined territories appendant to particular groups of holdings within the township does not apply equally well to all townships.

A more complex arrangement is found, for example, at Kinniside (Appendix B, Map 6) where, in addition to some compact holdings and paired tenements, areas of land are found which cannot readily be assigned to any one group of farms. For example, the arable field called Toddle Banks in the centre of the township's cultivated land is shared by tenements from otherwise compact farm group territories around its periphery.

Even in townships in which the bulk of the cultivated land can be neatly assigned to discrete farm group territories, as in much of Derwentfells (Fig. 6.1), certain fairly

small areas of land, generally peripheral to the nuclei of farm groups, are found to be held by tenants of more than one farm group. Sometimes these are specific land use elements - such as the peat mosses in Braithwaite and Coledale graveship¹⁶ or the shared pasture closes containing unimproved banks of fellside¹⁷ while in other cases they consist of fairly small enclosures of meadow, pasture or "arable and pasture" land along the margins of the waste¹⁸.

There is a general correspondence between such land outside farm group organisation and the parcels of land over and above the core of the tenement for which separate amounts of rent were paid. Thus the rents for the shared pasture closes of Blake Rigg (Buttermere) and Braithwaite How and Swinside, (Braithwaite and Coledale) are entered separately in the 1547 Court Book and the early-16th century reeves' accounts¹⁹.

d) The Copeland Evidence and the Infield-Outfield Model. In the foregoing discussion of the tenurial patterns described in the 1578 Survey no mention has been made of evidence for or against the distinction between infield and outfield, a contrast asserted by both Gray (1915, 241) and Elliott (1959a, 92-3; 1973, 63-67) to have been characteristic of agrarian organisation in Cumberland. Before examining the evidence from Copeland for the use of these terms, a brief discussion of the accepted interpretations of the terms elsewhere in Britain is perhaps in

order. The 18th century Scottish evidence has traditionally been interpreted as referring essentially to a functional contrast between infield land which was manured and tilled continuously and outfield land which was periodically taken in from the rough grazing and tilled for as many years as a return could be had from the seed sown (Gray, 1915, 158-161; Whittington, 1973, 550-1). An extension of this interpretation is to see the terms as describing distinct parts of the community's resource area, the infield being physically separate from the outfield (Elliott, 1959a, 92). Finally, Dodgshon's recent thorough examination of the use of the terms in 17th and 18th century Scotland has led him to conclude that the contrast between infield and outfield was in origin tenurial, the distinction being made between land incorporated within the community's territory as defined by its ancient fiscal structure and land, more recently taken into cultivation, which had not been incorporated fully into the fermtoun's fiscal structure and thus lay without its ancient extent (Dodgshon, 1973, 1975c, 327-8).

In Copeland, the absence of a fiscal framework describing holdings in terms of husbandlands, or merklands²⁰ does not allow Dodgshon's hypothesis to be tested against the 16th century evidence. However, the accepted view that the outfield was a spatially-distinct part of a community's territory has important implications for the model of compact farm group territories described above.

The evidence from Copeland suggests that the distinction between infield and outfield was by no means ubiquitous and that, where it did occur, it did not always imply the existence of spatially-separate infields and outfields. The terms occur throughout Copeland in the 1578 Survey and 17th and 18th century sources and are generally adjectival, "infield ground" being contrasted with "outfield ground"²¹. It is suggested that in such instances the terms are descriptive either of a mode of cultivation or of the inherent fertility of the soil rather than necessarily implying the existence of separate infields and outfields. Indeed, the use of the terms in the 1578 Survey of Mockerkinn (Appendix B, Map 8) and in a survey of tenements in Drigg in 1611²² would suggest that they formed handy abbreviations to summarize the complexities of a tenement's physical layout on the ground.

Elsewhere, however, the evidence makes it clear that "the infield" and "the outfield" were separate parts of the community's economic territory. The 1578 Survey refers to "the infields" of Greysouthen²³ and "the outfield" at Lowside Quarter²⁴, and later documents from elsewhere in Copeland confirm that the distinction between the two areas of land remained important until the 18th century²⁵. At Lowside Quarter it has proved possible tentatively to reconstruct the location and extent of the Outfield described in 1578 (see Appendix B, Map 10). The holdings in each of the hamlets in the area are described in terms of a number of named closes or shares in named fields

together with a frequently large acreage "in the Outfield". If the reconstruction of this Outfield is correct, the tenurial pattern of the area does not differ greatly from the model of farm group territories described above from the evidence from Derwentfells in which the distinction between infield and outfield is not found in 1578.

Although areas of overlap do occur (as, for example, where Middle Coulderton and Snellings both held land in Hewlands) in general it appears that each farm group territory included a spatially-distinct block of the Outfield around the periphery of which the settlements with their crofts of arable land and meadows lay.

B. THE EVOLUTION OF TENURIAL PATTERNS : 1437-1578

Before exploring the early mediaeval body of evidence in an attempt to trace the origins and evolution of settlement in Copeland over a longer time-span, attention is now focussed on the century and a half immediately before the 1578 Survey. In particular, the discussion will concentrate on two elements in the tenurial and settlement pattern described above; first, the regular farm group territories, in which a regular apportionment of the group's territory between tenements is reflected in the regular division of the group's total rent between tenants; and, second, on those peripheral pieces of land which fall outside the pattern of compact territories identified above. In both these elements the patterns described in 1578 seem to have been the products of changes which occurred largely during the 15th and 16th centuries.

1. Regular Farm Group Territories

It was suggested in Chapter V (above, p.149) that a group of holdings within which each tenement was assigned a regular share of the total rent paid by the group may be explained as resulting from the regular subdivision of an earlier larger tenemental unit.

It is tempting, for example, to see the two tenements described in 1578 at Howend (Braithwaite and Coledale) which each render 5s 10d rent as equal halves of an earlier, larger holding for which 11s 8d was originally paid.

Similarly, the groups of 3 tenements at Swinside, Lorton (one tenement at 12s 0d; two at 6s 0d each) and Keskadale, Rogersett (one at 18s 0d, two at 9s 0d each) may be conceived of as each consisting of one half and two quarter shares in an original unitary holding. Such conclusions are partly confirmed by an examination of the 1547 Court Book in which the tenements at Howend are described as one tenement, rented at 11s 8d, held equally by William and John Bewes, and the Swinside tenements are described as one tenement at 12s 0d, and two half tenements at 6s 0d each²⁶.

Not infrequently, groups of four tenements, each paying the same rent, are encountered, the implication here being that an original tenemental unit had been quartered. For example, the 1578 Survey describes 4 tenements at Usthwaite (Easthwaite), Netherwasdale township, each paying 5s 0d rent and consisting of very similar shares in the farm group's territory. Although the 1547 Court Book implies that the holdings represented equal moieties of two separate tenements²⁷, a surviving dimission of one of these 5s 0d tenements in 1516 entered Richard Gunson as

"tenant of a quarter of Ustwet of v^s ferme".²⁸

The implication is clearly that many of these smaller farm groups originated in the subdivision of earlier unitary holdings, and the terminology of the 1516 dimission of one of the tenements at Easthwaite is strongly reminiscent of the phraseology used in post-mediaeval Scottish documents where the fermtoun is thought of as the basic unit of tenure, its constituent holdings being regarded as shares of the whole (Dodgshon: 1975a).

It has been noted that larger farm groups less frequently exhibit the exact rent regularity seen in the examples of smaller farm groups given above. A couple of comments by late-16th century commissioners of survey suggest, however, that here again the tenements of the 1578 Survey in some cases evolved from the subdivision of larger units. After describing the 14 tenements in the tightly clustered hamlets of Mockerkyn and Sosgill (10 and 4 tenements respectively), the 1578 Survey notes that:

"The said Towne of Mockerkyn hath been in auntient Surveyes of viij Tenements but nowe devided as before appeareth".²⁹

Similarly, the five tenants at Wilton, (Haile parish), listed in Hombertson & Hall's survey of 1570,

tenent quinque seperalia tenementa quondam unum tenementum.³⁰

although in this case the five tenements are not assigned the regular amounts of rent seen in other farm groups.

It is suggested therefore that, in general, those groups of holdings rendering a regular pattern of rents, had their origin at some earlier date as unitary tenements. Two processes can be isolated as being important in the subdivision of these earlier unitary holdings and it is proposed to examine the evidence for each in turn. First is the survival into the 16th century of a tradition of partible inheritance, and second is the planned subdivision of former blocks of demesne land on their dimission to tenants at will.

The bulk of the evidence for partible inheritance in Copeland is indirect, taking the form of the frequency with

which most or all tenants in a farm group bear the same surname. In 1578 the four tenements at Powter How (Braithwaite and Coledale), each rented at 3s 9½d, were all held by members of the Wood family, while three of the four tenements at Ullock (Braithwaite and Coledale), which again display a regular rent pattern, were held by members of the Stanger family. Examples could be replicated from throughout the graveships described in the Survey³¹, but it is less easy to chart the precise processes by which tenements were partitioned between members of one family.

It is likely that an inheritance system akin to that described by Tupling (1927, 77) in Rossendale, Lancs., operated in Copeland during the 16th century. In Rossendale a father would deliberately ensure a livelihood for his younger son by conveying a moiety of his tenement to this younger son during his (the father's) lifetime, the other moiety passing by natural descent to the eldest son on the father's death. If carried out regularly over more than one generation such a system of inheritance would rapidly lead to the fragmentation of an original unitary holding between a group of kinsmen. The only direct evidence for such a system in Copeland comes from an early-16th century (c1516) dimission of the tenement called Swynesyde (Swinside, Kinniside) to Thomas and Nicholas Towrson, on condition that

"the said Thomas takes for himself half the tenement while he lives, and after his decease this is to go to another son as it pleases him, and the other half is to pass to his son Nicholas".³²

Although Swinside passed out of the hands of the Towerson family during the 1540s, the effective partition of the tenement between the sons of Thomas Towrson c1516 resulted in the formation of the paired tenements, rented at 4s 6½d each, described as being at Swainside in 1578³³.

This method of ensuring the division of a father's holding between his two sons by surrendering half the tenement to a younger son during the father's lifetime probably explains the frequent phraseology found in the 1547 Court Book where one man is described as holding one half of a tenement, and two other men of the same surname as the first, are entered as joint tenants of the other half. For example two tenements in Great Braithwaite held in 1578 by Robert and Peter Studdart are entered in 1547 thus:

Johannes Studdert cepit ibidem de domino Rege
medietatem unius messuagii cum pertinenciis et
reddit....3s 6d.
Robertus Studdert et Petrus filius suus ceperunt
....alteram medietatem dicti messuagii3s6d.³⁴

It is suggested that Robert, the father, had surrendered half his tenement to John, his younger son, while Peter, the elder son, would inherit the other half after Robert's death.

The frequency with which this pattern of entries is found in the 1547 Court Book suggests, if the interpretation offered above is correct, that many of the paired and halved tenements described in the 1578 Survey originated by such a system of partible inheritance in the earlier decades of the 16th century.

The situation should not be conceived as being so fluid that holdings were rapidly fragmented, however. In general

primogeniture seems to have been well-established as the frequent rider in the 1547 Court Book, that a man's holding was formerly in his father's tenure, attests³⁵. Furthermore, the frequency of halved tenements, and the relative infrequency of quartered, and more fragmented tenements in 1547 suggests that the practice of division of a holding between sons was a relatively recent phenomenon.

However, not all paired tenements can be ascribed to 16th century partible inheritance. Not infrequently the tenants of paired half-tenements in 1547 bear different surnames:- in Braithwaite William Scott and John Leer held complementary halves of a tenement. Furthermore, in the case of the paired tenements at Snellings near Egremont the pairing of holdings can be traced back to 1471. In 1578 John Boradell and John Benn the younger each held a tenement at Sneelings at 11s 8d rent and they were presumably the successors of Agnes, widow of Robert Johnson and Robert Wyle who jointly held a tenement called Snellhylls in 1471 for 23s 4d rent (i.e. 2 x 11s 8d)³⁶. Although the partition of a father's holding between his sons can be invoked to explain some of the regular rent patterns associated with smaller farm group territories, these suggestions of stability in other similar farm groups demand an alternative explanation.

The second process which can be documented as leading to the establishment of farm group territories held in regular shares is the planned subdivision of blocks of

demesne land when direct seignorial exploitation of demesne ceased and the land was arrented to tenants at will. The process is most clearly documented in the case of the three hamlets of Over, Middle and Nether Coulderton (now Coulderton, Middletown and Nethertown) on the Irish Sea coast near Egremont (see App. B Map 9). This territory of Coulderton appears to have been a demesne grange, a home-farm managed directly by the lords of Egremont, at the turn of the 14th century³⁷. At the death of John de Multon, Lord of Egremont, in 1334 a total of 251 acres of demesne land and meadow and a ruined capital messuage are described at Coulderton³⁸, and at the subsequent partition of John's estates between his three co-heiresses in 1338 each party was allocated 89 acres and 3 roods of land there, the agreement specifying that the share of the Lucy heiress lay "in Coulderton towards the north", that of the Fitzwalter heiress "in the middle where the manor is situated", and the share of the Bermingham heiress "towards the south"³⁹. 16th century documentation makes it clear that the three hamlets of Over, Middle and Nether Coulderton were held separately by the descendants of, respectively, the Lucy, Fitzwalter and Bermingham heiresses⁴⁰, and the internal tenurial patterns of each hamlet exhibit a strict regularity of rents as the table below shows. Although it is impossible to chart the exact date at which the formerly unitary demesne grange was converted into three hamlet territories farmed by small communities of tenants at will, the evidence concerning Coulderton suggests that in this

case the regular rent pattern exhibited by each hamlet in the 16th century is to be explained, not by the chance operation of a system of partible inheritance, but by the planned settlement of peasant communities on former demesne land at some date during the 14th or 15th centuries.

COULDERTONS : RENT PATTERNS

	<u>No. of tenants</u>	<u>Rent per tenement</u>	<u>Total Rent</u>
<u>Over Coulderton</u> , 1547,1578	3 2	10s 0d) 5s 0d)	= 4 x 10s 0d = 40s 0d
(cf. 1471: Tenants at <u>Overculterton</u> render 40s 0d; 1478: 40s 0d received from 4 tenements in <u>Overcolton</u> , held by 4 named tenants)			
<u>Middle Coulderton</u> , 1547,1578	4	10s10d	= 43s 4d
<u>Nether Coulderton</u> , 1561	3 2	10s 6d) 5s 3d)	= 4 x 10s 6d = 42s 0d

Sources: 1471 - Acct. of Reeve of Egremont (Alnwick. X.II.3.3.a);
1478 - ibid (C.R.O. D/Lec/29/6); 1547 - Court Book (C.R.O. D/Lec/314/38); 1561 - Particulars for Leases, Cumberland, Eliz. I. (C.R.O. D/Lec/302).

Although its late-mediaeval history can be charted in greater detail than is usually possible in Copeland, the process by which the regular rent patterns exhibited at Coulderton evolved appears to have been by no means unique. For example, the group of farms at Ullock (Braithwaite and Coledale) which consisted in 1578 of 4 tenements at 24s 6d each, appears, like the Couldertons, to represent the planned subdivision of a block of former demesne land⁴¹, while the rent regularity at both Gatesgarth (Buttermere)

and Wasdalehead are probably associated with the origin of these places as seignorial vaccaries in the late-13th/early-14th centuries. The vaccary at Gatesgarth which was run directly as part of the demesne stock-rearing enterprise of Isabella de Fortibus, lady of Cockermouth in the later-13th century, was arrented to tenants at will on the reversion of her estates to the Crown on her death in 1293⁴². By 1547 Gatesgarth was held as two moieties, each in turn held jointly by two tenants, each paying 36s 0d annual rent (see Appendix B, Table III).

At Wasdalehead the four vaccaries, first documented in 1322, had been let to farm by 1334⁴³. Their evolution during the 14th and 15th centuries cannot be charted but the four groups of regular rents into which the 19 tenements at Wasdalehead in 1547 fall, perhaps represent the survival of four original tenurial units at the head of Wasdale:

WASDALE HEAD : RENT PATTERNS, 1547

No. of tenements:	@	Rent:	=	Total:
1		20s 0d)	
)	= 40s 0d
2		10s 0d = 1 x 20s 0d)		
2		16s 8d)	
)	= 50s 0d
2		8s 4d = 1 x 16s 8d)		
4		11s 8d		= 46s 8d
6		13s 4d)	
)	= 93s 4d
2		6s 8d = 1 x 13s 4d)		

Source: 1547 Court Book - C.R.O. D/Lec/314/38

Similarly, where seignorial deer parks were divided and let to tenants at will, the division is often found to have been on the basis of regular shares for which equal amounts of rent were paid. Like the grange at Coulderton, the park at Egremont was divided between the three Multon heiresses in 1338, and by the 16th century the parts of the park allotted to the Fitzwalter and Lucy heiresses had in turn been subdivided into regular shares⁴⁴. The park at Loweswater, enclosed originally in the second half of the 13th century⁴⁵, had been let to farm by 1437 for £8 p.a.⁴⁶, and reference is found in 1453 to a tenement called quarta parte parci domini ("a quarter part of the lord's

park") for which, appropriately, 40s 0d rent was paid⁴⁷.

These suggestions that planned subdivision of demesne units lies behind many of the regularly divided farm group territories imply that the regular rent patterns observed in the 1578 Survey had remained more or less stable since the original dimission of the demesne block to tenants at will at a date which cannot be located precisely, but may well fall somewhere in the 14th century.

The processes of partible inheritance and planned subdivision of demesne can be invoked to explain many of the regular rent patterns exhibited by some farm groups in the 16th century, but it must be stressed that not all such regular patterns can be assigned to these processes. This discussion has examined the evolution of some of these regular farm groups over the late-mediaeval centuries, but has said little of the origins of the original units which became subdivided into regular shares by the 16th century. This will be examined in the following section of the chapter.

2. Parcels for which Separate Rents are Paid

In addition to the tenements whose evolution has been examined above, the 1578 Survey describes parcels of land which do not fall neatly into the pattern of compact holdings and farm group territories and for which a separate amount of rent, over and above that paid for the bulk of a tenant's holding is due. The implication, both of the fact that such parcels are rented separately from the basic

tenement and of the peripheral location of these parcels in relation to the blocks of land reckoned to comprise whole tenements, is that such pieces of land are relatively late enclosures from the waste. 15th and 16th century documentary evidence would suggest that this was indeed the case.

Parcels of land for which separate rents were paid can be thought of as falling into two categories. First are those generally fairly large blocks of land, often of a specific land use type (e.g. the peat mosses or shared pasture closes shown in Fig. 6.1) in which members of a number of farm groups and/or single farms hold a share. Second are the improvements or intakes, generally small parcels encroached from the margins of the waste and rented by individual tenants in addition to the bulk of their tenements to which the encroachments are generally physically adjacent. The evidence suggests that the origins of the two types were different.

For three of the shared pasture closes in Derwentfells, shown in Figure 6.1, an origin as communal enclosures of blocks of fellside waste in the century before the 1578 Survey can be documented. Braithwaite Howe was enclosed c1480 and let to 9 tenants⁴⁸, Swinside, another rocky hillock, was appropriated by the tenants of Ullock and Portinscales in the early 16th century⁴⁹ and Blake Rigg, a tongue of fellside behind Buttermere village was enclosed by 9 tenants in Buttermere township c1569⁵⁰.

A stage midway between communal enclosure of large blocks of waste as in these cases, and the encroachment of

small garths and paddocks by individuals may be documented at Kinniside. Here, between 1547 and 1578 the four tenants of the outlying block of cultivated land at Simonkeld or Far Thwaites (see Appendix B Map 6) enclosed a total of nearly 70 acres (28 ha) of Frier Moor, the manorial waste adjacent to their tenements. This large improvement was not, however, held as a single shared close, but was apportioned between the four tenements⁵¹. A similar case of communal enclosure may be seen at Lorton in the closing years of the 15th century where all the tenants of Low Lorton enclosed an improvement at Lorton Head (for identification see Appendix B, Map 1)⁵².

In marked contrast to such communal undertakings were the piecemeal encroachments of gardens and small intakes by individual tenants, a process which can probably be invoked to explain most of the small fields along the head-dyke where separate rents are allotted to each.

Unfortunately, it is often tantalizingly difficult to relate such small parcels described in the 1578 Survey and 1547 Court Book to the lists of improvements or new rents which appear in late-15th and early-16th century ministers' accounts. This has proved possible, however, in certain instances at Lorton (Appendix B, Map 1), and around Embleton and Wythop (Fig. 6.5). It will be seen from Map 1 and Figure 6.1 that, in addition to the well-defined farm group territories into which the cultivated land of Lorton was divided, many of the fellside enclosures, particularly those up the Whit Beck valley, fall into the category of land now under discussion. From the accounts of the reeves

of Lorton it appears that parts of fields nos. 23/24 on Map 1 were enclosed from the waste in the late-15th or early-16th centuries⁵³. The blocks of fields known as Hornell groves and Stockdale closes on either side of the Whit Beck valley are older, being mentioned in 1437 and 1478, although each is referred to as an improvement or purpresture (i.e. an encroachment) in these earlier references⁵⁴. Similarly, the small parcels of customary land in a ring around the freehold manor in Embleton (Fig. 6.5) probably date from the 15th and 16th centuries. Again the account rolls of 1437-1578 allow firm dates for enclosure to be allotted to some of these encroachments⁵⁵.

It is suggested therefore that these pieces of land which frequently do not conform to the normal pattern of ring-fenced tenurial units (whether farm group territory or single, compact holding), and which had not, for the purposes of 16th century manorial accounting, been absorbed into the township's pre-existing tenements, represent a secondary phase of colonisation probably occurring in the 15th-16th centuries. That these encroachments represent a distinct, separate phase of enclosure from the waste is implied both by the manner in which they remained tenurially separate from the remainder of the community's land and by the use of the term intake (implying that they were accretions to a fairly well-established head-dyke line) to describe them in contemporary documents.

3. The 15th and 16th century Evidence: a summary

The conclusion that many of the peripheral intakes along the head-dyke line may be dated to the 15th or early 16th centuries implies that the nuclei of farm group territories and ring-fenced single farms had been established by the beginning of the 15th century, and the evidence examined so far suggests that a number of different processes were involved in the evolution of these nuclei of settlement.

Two salient features may be noticed and kept in mind during subsequent discussions of early-mediaeval evidence. First is that the distinction between regular and irregular farm group territories would seem to be fundamental. Although some represent the comparatively recent subdivision of unitary holdings by the operation of a form of partible inheritance in the early-16th century, a substantial group appear to have their origins in the planned subdivision of former demesne land in the later mediaeval centuries. Clearly, the former seignorial control over the land which later formed this type of farm group territory suggests that the origins of these territories were very different from those which, it is assumed, had evolved from peasant holdings in the early-mediaeval period.

A second conclusion concerns the compact, single holdings described in the 1578 Survey. The location of these ring-fenced farms in the interstices between larger farm group territories or along the head-dyke peripheral to a larger settlement and its lands (noted above, p.172) suggests, perhaps, that they represent an intermediate phase of

colonisation between the establishment of the larger farm group territories and the late-mediaeval intaking along the margins of the waste.

The process is, however, almost impossible to document in detail, although it should be noted that the 15th and 16th century body of evidence suggests that these ring-fenced farms remained a stable element in the settlement pattern over this period. With the exception of Bleng Tongue, a farmstead on an isolated tongue of moorland on the edge of Copeland Forest which was enclosed in the mid-16th century⁵⁶, there is no evidence for the establishment of these compact holdings in the 15th or 16th centuries. Nor is there any reference which suggests that they evolved out of the amalgamation of a number of smaller holdings at this date: indeed, in the case of the ring-fenced farms of Southam and Catkellhow, near Egremont, both the integrity of the tenements and the rents paid for them can be traced back to the account of the reeve of Egremont in 1471⁵⁷.

In the light of this 15th and 16th century evidence, therefore, the subsequent sections of the chapter will endeavour to trace the history of both farm group territories and ring-fenced farms in the early-mediaeval period.

C. EARLY MEDIAEVAL SETTLEMENT AND LAND TENURE

The evidence presented in the previous section of this chapter suggests that elements of the 15th and 16th century pattern of settlement and land tenure remained stable, having been inherited from an earlier period. There is thus no suggestion that either the encroachment of intakes along the head-dyke or the subdivision of holdings affected the basic cellular pattern of farm group territories. Is it possible to identify elements of this late-mediaeval settlement pattern in the corpus of documentary evidence from the 13th and early-14th centuries?

This section attempts to provide an answer to this question by examining both the evidence for change in the total pattern of enclosed land and waste in the early mediaeval period and attempting to relate this evidence to the post-mediaeval head-dyke line, and the fragmentary evidence for internal patterns of land tenure within the head-dyke.

1. Peasant Colonisation: c1150-1310

It has been suggested in Chapter V (p.144) that the early mediaeval centuries down to c1300 were a period of population growth and rapid colonisation of new land with the establishment of new settlements on former waste around the periphery of early settlement nuclei. An attempt to assess whether Copeland experienced such colonisation at this time is hindered by the lack of an early overview of the settlement pattern of the area as is found

in Domesday Book for most of England and by the complete absence of written sources prior to the beginning of the 12th century. Nevertheless, the 12th and 13th century land charters and other documents which survive enable a picture of the area at this date to be constructed.

It has been suggested from the evidence of pollen analysis that the cumulative effect of pre-historic, Brigantian and Anglian settlement phases on the vegetation of the coastal lowlands of Copeland was the virtually complete removal of the native woodland cover by c800 A.D. (Walker, 1966, 201). In conjunction with the concentration of Anglian place-names in this area (PNC, iii, xxi) and the association of Hiberno-Norse place-names with more marginal land along the coast (ibid, Map) this evidence suggests that the seaboard of Copeland was fairly well settled before the Norman conquest. The extent to which settlement had extended into the valleys of the free chases of the western Lake District by this time is very difficult to assess. The concentration of Hiberno-Norse place-name elements in these valleys cannot necessarily be taken as evidence of early settlements (Norse influence on the language of the area remained strong until well into the mediaeval period) and in the absence of demonstrably pre-Conquest archaeological evidence from the area, the question must be left open. It may be noted, however, that scattered documentary references in the later-12th century confirm the existence of settled farming communities in the Cocker valley by that time, centred on chapels

at Lorton and Loweswater, and a mill at Buttermere⁵⁸. It would probably be wrong to envisage an empty Lake District core at the turn of the 13th century.

The documentary evidence for the continuing colonisation of empty land in 13th century Copeland suggests that two major processes may be identified. First is the establishment of new peasant holdings on former waste and the enlargement of arable and meadow reserves by existing peasant communities, and, second, is the enclosure of large blocks of former waste by lay and ecclesiastical lords for their own use.

The first type of colonisation is documented in four deeds of the mid-12th to mid-13th centuries in which bounded blocks of land (in three cases coterminous with later townships) situated along the margins of the Lake District were granted to mesne lords. In each case the charter includes a clause allowing the grantee and his men to till and enclose land within the bounds (see Fig. 6.2). In the cases of Brisco, Salter and Mosser⁵⁹ no corroborative evidence can be found to confirm that the inclusion of the right to assart actually implies that the land was unsettled waste at the time of the grant, but the process of colonisation can be documented and assigned to the late-13th century in the case of Wythop. An inquisition of 1307 states that, when it was granted to John de Lucy c1260⁶⁰, it was waste and worth only 20s 0d for herbage, but that by the date of the inquisition

predictum vastum de Wythopp modo edificatur et
approvatur et valet per annum in omnibus exitibus xLi⁶¹.

This is the only explicit evidence for wholesale colonisation of a formerly empty tract of land in early-mediaeval Copeland, and, even if the other charters which include a clause allowing the grantee to till and enclose the land are taken as evidence for similar large-scale settlement, the creation of completely new township communities in the 13th century was probably comparatively rare.

The bulk of colonisation by peasant farmers in this period probably took the form of the extension of the cultivated area outwards from pre-existing settlement nuclei. This gradual process of enclosure from the waste probably lies behind the steady increase in rents of assize from tenants in the Newlands valley of Derwentfells, charted in the series of late-13th century ministers' accounts for the Fortibus estates, and tabulated below:

Rents of Assize in Derwentfells : 1266-1310

<u>Date:</u>	<u>Rents of Assize in montana</u> ⁶²		
	£	s	d
1266	6	9	0½
1269	8	7	3
1271	9	5	0½
1274	9	9	9½
1278	9	10	9½
1279	9	11	11½
1281	9	12	5½
1283	9	12	9½
1290	9	13	9½
1310	10	0	9½

Source: Accounts of serviens of Derwentfells, P.R.O. S.C.6/824/6-14; E.199/7/3.

That these rent increases may be interpreted as the result of peasant farming communities actively extending their cultivated land by carving new fields out of the waste is confirmed by an entry in the account for 1310 which records a receipt of 5s 9½d from:-

"multure (a payment for grinding corn at the lord's mill) of certain lands newly arrented from the King's waste by various tenants, including 1½d of increased multure from an acre newly arrented this year"⁶³

If the rate of 1½d per acre for multure was constant, this suggests that this account roll alone was recording over 45 acres of newly assarted land.

The only other evidence for the scale of peasant colonisation of the waste in the area in the late-13th century comes from an inquisition taken in 1299 to find out what new enclosures had been made since 1293 on land in the vicinity of Cockermouth over which the men of that borough claimed unimpeded common of pasture. The jury named six local mesne lords and attributed over 170 acres of recently enclosed land to them⁶⁴.

By the early-14th century, communities of tenants of approximately the same size as those described in 16th century sources appear to have inhabited many of the townships of the western Lake District. For example, the numbers of tenants at will listed in early-14th century inquisitions in the rugged valleys of the Forest of Copeland compare approximately with the size of the communities in these areas described in the 1578 Survey:

Forest of Copeland: Size of Peasant Communities

	<u>1322*</u>	<u>1334*</u>	<u>1578**</u>
Ennerdale	26	31	No data
Kinniside	47	57	40
Netherwasdale	23	22	43
Eskdale and Miterdale	31	46	39

Sources: 1322: 1PM Thomas de Multon (P.R.O. C.134/71/1);
1334: 1PM John de Multon (P.R.O. C.135/41/1);
1578 Survey; ff. 117-137.

*Figures for 1322 and 1334 are for number of tenants at will in each place.

**Figures for 1578 are for number of tenements in each graveship.

The surviving evidence for 13th century tenurial arrangements in these areas of peasant colonization is insufficiently detailed to allow the history of individual farm group territories and compact holdings to be traced back. As was noted in the introduction to this chapter, farm names are seldom used to locate holdings in this period and an assessment of the total settlement pattern in an area of dispersed settlement can often be achieved only by examining personal names which incorporate farm names. For example, the 1270 rental of Whinfell, a township consisting of a scatter of farmsteads in post-mediaeval centuries, does not differentiate between tenements on the basis of their location within the township, but the list of tenants includes the names of Thomas de Rogerscales, Gilbert de Banco,

Adam del Hou and the tenants of Todholes⁶⁵. If, as seems reasonable, it is concluded that the farmsteads of these men lay in the vicinity of the modern farms of Rogerscale, Bank, How and Toddell we may conclude that elements of the post-mediaeval settlement pattern were in existence by the later-13th century.

Although major differences in the compilation of the two sources make it impossible to relate in detail the 1270 rental's description of southern Derwentfells to the coverage of the same area in the 1578 Survey⁶⁶, an analysis of the earlier source makes it clear both that substantial peasant communities were farming the Newlands and Buttermere valleys at that time, and that the tenements of these farmers lay scattered in small groups to which separate names are assigned in the rental. The table below summarises the 1270 rental of this area and attempts to relate it broadly to the 16th century settlement pattern:

Abstract of 1270 Rental of Derwentfells

<u>Location:</u>	<u>Summary of Holdings:</u>	<u>Total Rent:</u>	<u>Identification*</u>
Fall	2 messuages & land	6s 2½d	cf Fawe Park
Keskeldale	1 shieling (<u>scala</u>)	6s 0d	Keskadale (3)
Goderikyscale	7 messuages & land	14s 0d	Gutherscale (1)
	11 cottages	5s 6d	
Rogeresate	10 messuages & land; water mill	34s 8d	<u>Rogersett</u>
Coldale	6 messuages & land	9s 6d	<u>Coledale</u>
	1 cottage	8d	
Buttermer'	10 messuages & land	21s 8½d	<u>Buttermere</u>
Skalegayl	3 messuages & land @ 3s4d = 10s	0d	Skellgill (3)

Source: P.R.O. S.C.11/730/m 13v-14v

*Names which in 1578 refer to whole graveships are underlined; other names refer to compact holdings or farm groups, the number of tenements at each place in 1578 being given in brackets.

2. Large-scale Seignorial Enclosure

The second process which may be isolated as important in the extension of the head-dyke line to enclose pieces of former waste in the early mediaeval centuries is the enclosure of large blocks of land by lay and ecclesiastical lords. References to this sort of enclosure throughout Copeland have been collected and presented cartographically in Figure 6.2 and it is suggested that this type of large-scale seignorial enclosure forms an important element in the total assemblage of land within the head-dyke.

These large-scale enclosures took various forms. The lords of Cockermouth and Egremont who retained control over the free chases of the western Lake District responded to the favourable economic conditions of the 13th century by converting parts of their hunting preserves into large cattle-ranches or vaccariae in the same way as has also been charted in the Lancashire Pennines at the same date (Tupling, 1927, 17-27; Smith, 1961, 8). The vaccariae in Copeland appear to have utilized alluvial flats at the heads of the Lakeland valleys as a nucleus of meadow land to provide hay for the stock in winter, while the extensive fellsides provided grazing for the beasts in summer. Such a system of stock-rearing is described in the accounts of the vaccary at Gatesgarth, at the head of the Cocker valley, from 1267 to 1290⁶⁷, and the similar dale-head location of the vaccaries at Ennerdale and Wasdalehead, to which passing references occur in the early-14th century⁶⁸, suggest that a similar system of management was practised in these valleys as well. The vaccaries effectively closed the dale-heads to peasant colonisation in the early-mediaeval period and, as has been shown above in section B, the groups of farms at Gatesgarth and Wasdalehead in the 16th century appear to be the result of planned subdivision of the lands of the vaccaries when let out to tenants at will in the 14th century.

Similar large fellside enclosures reserved exclusively for seignorial purposes resulted from the enclosure of grants of blocks of pasture to monastic houses in the 12th and 13th centuries. The vaccary established by Fountains

Abbey at Stonethwaite in Borrowdale (NY 26 13)⁶⁹, and the herdwyk or sheep ranch established by Furness Abbey on their pastures at Butterilket at the head of Eskdale (NY 21 01), enclosed in the 1280s⁷⁰, are comparable to the lay vaccaries described above.

Of a different type are the four granges of Calder Abbey on rising ground on the edge of Copeland Forest (see Fig. 6.3). Although the present enclosures cannot be documented before the Dissolution, the interest of the Abbey in the land on which three of the granges were established is proven by a deed of 1243. The description of Scalderskew grange as a "Daryhows" in 1537 suggests that, again, these were large-scale cattle farms. Unlike the lay vaccaries which were divided into several equal parts when arrented to customary tenants, these granges appear subsequently to have been let as single units, retaining their identity as compact, unitary holdings in the 18th century as Figure 6.3 shows.

A second major category of seignorial enclosures are the deer parks, enclosed by both mesne lords and their feudal superiors, which accounted for considerable areas of land within the head-dyke of some townships (see Fig. 6.2). As was shown in section B, the subsequent dimission of some deer parks in the later mediaeval centuries resulted in the establishment of farm group territories on the land of the former park.

As examples of the size of early-mediaeval deer parks in Copeland and the relationship of the deer park to the remainder of the townships, the parks at Loweswater (Fig. 6.4)

and Embleton and Wythop (Fig. 6.5) may be examined. All three were enclosed by the lords of the respective manors in the later-13th century, and in each there is evidence for the existence of a manor house.

If the reconstructions of the extent of these parks given in Figures 6.4 and 6.5 are correct these seignorial enclosures must have substantially enlarged the area of land within the head-dyke of each township. Indeed, by 1379 the lords of Wythop had made two further, large, park-like enclosures on the fellsides from which the tenants' cattle were excluded⁷¹.

From both the evidence presented above, and from the negative evidence of the relatively small scale of late- and post-mediaeval intaking along the margins of the waste, the cumulative effect of both piecemeal assarting by peasant farmers and wholesale enclosure by lay and ecclesiastical lords in the 13th century seems to have been to extend the cultivated area of Copeland to approximately the line of the post-mediaeval head-dyke by c1300.

D. THE FOURTEENTH CENTURY:
CONTINUITY OR UNCONFORMITY?

It has been suggested that the cultivated land of almost all the tenements described in the 1578 survey had been enclosed from the waste by the opening years of the 14th century, either as early mediaeval (or earlier) peasant holdings, or as land originally reserved to the use of seignorial overlords and subsequently arrented to the local farming community. The pattern of enclosed land and waste thus achieved by 1300 was only marginally altered by the subsequent encroachment of intakes and enclosure of some larger blocks of waste by communal effort in the late-15th and 16th centuries. The period between the phase of early mediaeval colonization and the later phase of intaking (i.e. the years between c1300 and c1480) forms the subject of this section.

In Copeland, the 14th century is a poorly documented period and it is difficult to assess with confidence whether the area suffered a depression similar in magnitude to that documented in some parts of southern England (Postan, 1939, 161; Bean, 1963). Further, given the uneven scatter of documentary evidence across the century, it is difficult to assess whether particular economic trends were of short- or long-term importance to the area.

The history of the northern counties of England is dominated in the 14th century by the prolonged hostilities between England and Scotland, but it is not clear how much

Copeland suffered compared with other parts of Cumberland - its northern boundary lies over 30 miles from the 16th century Scottish Border and, as has been discussed in Chapter III (above, p. 59), it is uncertain whether Copeland ever fell within the area over which the Scots claimed suzerainty. The first major attack on the area appears to have been Douglas' sweeping raid down the coastal plain in 1315, in which St. Bees Priory and the manors of Cleator and Stainburn were devastated⁷². The accounts of the Keeper of Cockermouth Castle in 1316-18 are confused propter guerram Scotorum⁷³, suggesting that the change in the castle's role from manorial focus to Border garrison resulted in the temporary breakdown of manorial administration in the area. Indeed, the castle probably drew attacks to its vicinity, as in 1322 when Thomas de Ireby, lord of neighbouring Embleton, was killed and a dozen tenements in Embleton burned and destroyed by the Scots⁷⁴.

Twelve years later, in 1334, the year in which Cumberland was excused payment of the Lay Subsidy because of the Border troubles (Glasscock, 1975,xxii) the inquisition post mortem of John de Multon, Lord of Egremont, suggests that the wars were having a serious, but again possibly short-lived, effect on the economy of Egremont. 80 acres of demesne land are said to be sown only with summer grain and not with winter corn

propter debilitacionem patrie et terre illius

while another 114 acres lay waste and uncultivated because of lack of tenants, and the demesne grange at Coulderton was similarly affected⁷⁵.

At the inquisitio nonarum in 1340, the explanations of the decreases in the value of parishes since the papal taxation of 1291 throws more light on the scale, causes, and seriousness of the economic depression in Copeland. In the Honour of Cockermouth the return from Brigham parish explains the decreased value by stating that the major part of the parish lay uncultivated (friscus) because of the impotencia of the local population and the widespread sheep murrain in the area. Similarly, an explanatory note to the returns from all parishes in the Liberty of Egremont reiterates the importance of the widespread sheep murrain and relates the "debilitation" and impoverishment of the local population to the fact that many men had been killed and wounded in the Scottish wars⁷⁶.

The reliance of the local economy on the rearing of sheep was noted in Chapter V (pp. 131-3) and it seems probable that the effect of the outbreak of sheep murrain in conjunction with the attenuated unsettled political situation was to cause great economic hardship in Copeland in the second quarter of the 14th century. The expected concomitant of such economic depression would be to reduce the hunger for new land which had pushed the limits of enclosure outward from settlement nuclei in the 13th century and, if very severe and accompanied by a significant drop in local population, to reduce the amount of land cultivated and possibly to result in the reversion of some marginal enclosures to the waste.

The evidence of the earliest surviving 15th century ministers' accounts (for 1437-8)⁷⁷ paints a picture of general economic depression in the early decades of that century, but it is not possible to state firmly that these conditions had continued unbroken from the recession documented in the 1330's. The 1437 accounts are characterised by the large sums of "decayed rents" which are allowed against the total receipts anticipated from the rental currently used as the basis for the account. As this rental is specifically stated in two accounts to date from 13 years previously⁷⁸, the "decayed rents" can probably be envisaged as summarizing the extent of the decline between 1424 and 1437. In three other accounts the anticipated core of rehts is in turn stated to be less than was previously received at an unspecified earlier date (see table below), the implication being that the situation in 1437 was the continuation of a downward trend in receipts from the lands of tenants at will which reached back to the beginning of the 15th century, if not before.

1437 Ministers' Accounts: Retrospective

Decreases in Income from Land

<u>Graveship:</u>	<u>Receipts from:</u>	<u>Receipts: (£-s-d)</u>		
		<u>1437:</u>	<u>Anticipated (1424?):</u>	<u>"Used to render"</u>
Mockerkin	tenants at will	4-10- 0	4-14- 0	7- 7- 5
"	tenants of Sosgill	1- 9- 7½	1- 9- 7½	1-13- 4
Thackthwaite	tenants at will	9- 5- 0½	9-10- 0½	9-10- 5½
Loweswater	" " "	13-10-11	13-11- 5	18-11- 8
"	park of <u>Balnes</u>	8- 0- 0	8- 0- 0	9-13- 4

(Source: C.R.O. D/Lec/29/1)

Such "decayed rents" consist of two types: first, decreases in the rent received from a tenement, apparently resulting from a lower rent being paid after a change of tenancy and suggesting a climate of generally falling land values; and second, rents no longer received because the land in question lay waste or untenanted. This second category is of particular interest as it implies that pieces of land and buildings were falling out of use and, in a couple of instances, even reverting to common pasture. For example, allowances occur in the accounts of Mockerkin, Lorton, and Coledale for encroachments which lay waste and in the lord's hand⁷⁹ while a close called Simondscaleclos, near Cockermouth is said to lie "waste in the common pasture"⁸⁰.

As such descriptions are comparatively rare in the 1437 account, the amount of land which actually reverted to the common pasture may not have been very great. It is more

likely that, in the depressions of the 14th and early-15th centuries, the removal of pressure to enclose new land from the waste resulted in the crystallisation of the head-dyke along the lines it had reached by the early-14th century.

The marked differences in the internal patterns of settlement described by, on the one hand, 13th century sources, and, on the other hand, 15th-16th century sources raises the question of the extent to which this period of economic decline caused a break in continuity between early- and late-mediaeval systems of settlement and land-tenure. Copeland contains relatively few known deserted mediaeval settlement sites, but documentary hints suggest that desertion of farmsteads and cottages did occur in the late-mediaeval period. The evidence comes mainly in the form of 16th century references to deserted tenements, the land of which had subsequently been shared between neighbouring holdings. For example, 8 tenants in lower Eskdale held shares of a tenementum prostratum called Banggarth⁸¹, while the 4 tenants of Little Braithwaite held a messuage and appurtenances called Jakfield modo in seperalibus tenuriis suis⁸². Of a similar type, but of particular interest as it can be related to surviving earthworks, is the list of shares in 1547 of the tenement and close at Ranerdell, Brackenthwaite township, formerly in the tenure of John Alenson but then divided into 7 equal shares each rented at 3s 9½d⁸³. The enclosures at Rannerdale (NY 16 18) form a detached block of inbye land running up a minor valley on the shore of Crummock Water and consisted at the time of the Tithe Award of a number of ploughed fields on

the delta-flat by the lake-shore and a large shared pasture close running up the valley. A complex group of earthworks, as yet not surveyed in detail but including rectilinear banks which can be interpreted as mediaeval long-house type buildings, lies at the junction between these two elements. It is tempting to identify this site with John Alenson's tenement which had presumably been deserted and divided among neighbouring tenants by the mid-16th century.

If these scattered references to the division of a deserted holding between neighbours reflect a common practice when a tenement was vacated, the effect of a diminution in population in the late-mediaeval centuries would be, not to let large blocks of land revert to the common waste, but to allow the reorganization of land within a township's head-dyke as a deserted tenement was shared out between surviving holdings.

In the face of scattered survival of documentary references and an almost complete absence of archaeological field-work, let alone excavation, it is difficult to assess the amount of settlement change during the 14th and 15th centuries. Tentative conclusions, however, are that the problems of those centuries resulted in the crystallisation of the pattern of enclosed land and waste. Relatively little land appears to have reverted to the waste as population declined, and a certain amount of reorganization of holdings within the head-dyke may have occurred.

Three phases in the evolution of settlement in Copeland during the period under study can thus be identified:

a) Early-Mediaeval Colonization up to c1310 culminating in the enclosure of most land within the confines of the post-mediaeval head-dyke. Although the establishment and enlargement of peasant holdings can only occasionally be documented, the patterns of land tenure seen in later centuries suggest that two phases of colonization can be identified: first, the establishment, possibly many centuries before the beginning of the written record, of village and hamlet clusters on prime agricultural sites; and, second, the assarting of compact holdings from the waste surrounding earlier settlement nuclei. Alongside the establishment of these peasant holdings, large landlords, both lay and ecclesiastical, were converting large blocks of former waste to their own use in the form of vaccaries, granges and deer parks.

b) 14th and Early-15th Century Depression: The head-dyke crystallised along the high-tide of enclosures reached by the opening years of the 14th century as sheep murrain, political unrest and, possibly, the effect of recurrent outbreaks of plague caused the population to stabilize and even, possibly, to decline. How much settlement desertion occurred at this time is unclear, but a certain amount of reorganisation of holdings as pressure on land decreased probably occurred. Contemporaneously, the removal of seignorial interest allowed former demesne enclosures to be arrented to peasant farmers, and the new hamlets founded on these former demesne areas are characterised by the mid-15th

century by the regular apportionment of their territory between constituent holdings.

c) Late-15th and 16th Century Encroachment: Population levels appear to have risen again from the middle of the 15th century and renewed pressure on land resulted both in the extension of the cultivated area by the intaking of small paddocks along the head-dyke line and by the subdivision of some holdings between heirs in the first half of the 16th century.

Few large encroachments, let alone new holdings, seem to have been carved out of the waste at this time.

In broad outline such a model of enclosure chronology bears close similarities to those constructed elsewhere in northern England, and reviewed above in Chapter V (p. 145).

The pattern of small farm-group territories and compact holdings described in Copeland by 15th and 16th century sources bears close similarities to the types of settlement found in Lancashire and Yorkshire at the same date (see Chapter V; pp. 147-153) and shown in the overviews of Seebohm (1890, 225), Gray (1915, 168, 187), Flatres (1957, 561-5) and Beresford (1964) to have typified much of northern and western Britain. However, three problems which have been identified in the discussion of the evidence from Copeland in this chapter suggest that it might be dangerous to assume that the 15th/16th century settlement pattern can be carried back and considered to be an ancient indigenous feature of Copeland. First is the problem of crossing the 14th century documentary desert

and identifying details of 16th century tenurial arrangements in 12th and 13th century sources. Allied to this are the hints of the reorganisation of holdings which may have accompanied the economic troubles of the 14th and early-15th centuries, and, finally, the fact that many of the classic, small hamlet communities described in 16th century sources can be shown to be comparatively recent creations resulting from the planned dimission to tenants at will of former blocks of demesne land in the late-mediaeval period. One is forced to question the extent to which the 16th century tenurial patterns within many Copeland townships were the result of comparatively recent changes in the late-mediaeval centuries.

CHAPTER VII

MANAGEMENT OF THE WASTE AND THE DEFINITION
OF TOWNSHIP BOUNDARIES

In Chapter V the lack of work on the spatial organisation of reserves of unenclosed waste outside the head-dyke in upland parts of Britain was noted. Tentative conclusions from the overview of evidence from northern England presented in that chapter were that, although, by the late- and post-mediaeval centuries, rights on the waste were expressed in terms of the manorial system (rights in the soil of the waste being vested in the lord of the manor; tenants claiming common rights by virtue of holding land in that manor), the simple "manorial" model of waste organisation tallies with neither the 16th and 17th century evidence for the day to day management of the waste in these areas, nor the earlier mediaeval evidence for the use of the waste.

For practical purposes, manorial boundaries were rendered meaningless both by the complex subdivision of large tracts of waste between individual hamlet communities and, conversely, by a system of intercommoning associated with the use of summer shielings and organised, in the early-mediaeval period, within the framework of the larger unit of overlordship, the shire.

The first section of this chapter attempts to sketch in outline the organisation of grazing practices on the waste in 15th and 16th century Copeland, and to relate this to earlier mediaeval evidence for the use of the waste. In view of the contrast between the complexities of the patterns of mediaeval waste management and the relatively simple pattern shown on 18th and 19th centuries maps of Copeland, in which a delimited block of waste is allocated to each township, the second section of the chapter traces the processes

by which territorial boundaries came to be fixed across open moorland and fell.

A. PASTURE RIGHTS AND MANAGEMENT OF THE WASTE

1. The Manorial Framework of Pasture Rights

The legal theory that a right on the waste was held by virtue of being a tenant of a particular manor is rarely spelt out clearly in 16th century documents from Copeland, but an examination of presentments concerning pasture rights on the waste in 15th and 16th century court rolls allows a picture of the legal aspects of waste management to be built up.

That the wastes in those areas were considered to belong to the lord of the manor is clear from the frequent description of encroachments and overstocking of the waste as having taken place "on the Lord's pasture" or "in the Lord's common"¹.

The pattern of common rights on the wastes of the Derwentfells and Five Towns area can be partially reconstructed by analysing the frequent presentments against "foreign cattle" which occur in the court rolls. Foreign cattle were presumably the beasts of tenants who did not have a right to common of pasture on the wastes of a locality, and, where the dwelling place of the offending farmer is given, a pattern of boundaries across which inter-commoning was not allowed can be constructed. Figure 7.1 is an attempt to present this evidence cartographically. The pattern which emerges suggests that pasture rights were indeed based on manorial organisation: to the west of the River Cocker the boundaries between the townships of Mosser, Whinfell and

Loweswater (each a tenurially-independent unit of lordship) were closed to stock from adjacent townships. Conversely, the courts at Lorton and Brackenthwaite in the vast lordship of Derwentfells are not found fining men from anywhere within the lordship, while they do present men from Whinfell, Loweswater and the Five Towns area. The implication is that, as the whole of the former free chase of Derwentfells was considered to be one manor, the pasture rights of tenants in its ten constituent graveships were considered to be general to the wastes of the whole manor.

2. Management of the Waste in the 16th Century

If pasture rights were closely related to manorial jurisdiction in theory, the evidence suggests that the day to day management of stock on the wastes of 16th century Copeland adhered less closely to manorial boundaries than might be expected from the information presented in Figure 7.1. A theme which emerges with force when these practical considerations are examined is the contrast between management of the waste in upland and lowland parts of Copeland. In the Lakeland fells, where the manorial units which succeeded the free chases embraced a number of townships, the tendency was to subdivide a manor's waste between its constituent communities, while along the coastal lowlands, where manor and township were frequently coterminous, the evidence suggests that, in practice, manorial boundaries were often ignored and intercommoning between neighbouring communities was common. These contrasts deserve a detailed examination.

From the analysis of presentments against foreign cattle presented in Figure 7.1 it appears that tenants in the 10 graveships which formed the upland lordship of Derwentfells had a general pasture right across all the wastes of the lordship. However there is some evidence that the later pattern of township boundaries running across the waste and effectively dividing and delimiting blocks of waste allotted to different townships within the manor had become established by the 16th century. Although no presentments at Lorton court indict men from the neighbouring townships of Setmurthy and Brackenthwaite, other references in the court rolls make it clear that the wastes adjacent to these townships were distinguished by separate names. Thus mora de Setmurthowe mentioned in 1539², communis de Lorton in 1504³, and communia de Brakenth' in 1476⁴ were presumably the forerunners of Setmurthy Common, Lorton Fell and Brackenthwaite Fell shown on modern maps. This system of names cannot alone be used as evidence to argue that the waste of Derwentfells was divided for management purposes between the constituent townships⁵, but a few scattered references suggest that the individual township community controlled the waste adjacent to its cultivated land. For example, presentments against the township as a body (villata) for wrongful burning of the waste to improve the pasture are indicative of such an organisational pattern. In 1504 the township of Thornthwaite was presented for burning gorse and heath "in English called a Haythburn" at a prohibited time⁶ and a subsequent similar presentment

against the township of Lorton⁷ suggests that, despite the legal unity of the wastes of Derwentfells, control over the management of pasture reserves was vested in the individual township communities.

If the management of the block of waste allotted to each township lay in the hands of the local community, the manner in which they ordered the day to day grazing practices in these Lakeland dales appears to have entailed the further subdivision of the waste into sheep heafs, that is spatially defined banks of fellside assigned to individual farmers within the township. 17th and 18th century entries in court leet verdicts suggest that such a system of heafing was widespread throughout the western Lake District, a named block of fellside being accepted as the particular grazing reserve of a particular tenement⁸. Indeed, at Netherwasdale in the late-17th and early-18th centuries paines are entered recording the detailed boundaries of individual tenements' heafs⁹, while, at a similar date, spatially-defined bracken-dalts reserved to the use of particular tenements within the township of Lorton are recorded¹⁰.

Earlier references to such practices are few, but two surviving documents which detail the heafing arrangements on the wastes of the extensive manor of Eskdale, Miterdale and Wasdalehead in 1587 and 1664¹¹ allow the spatial pattern of customary grazing practices there to be reconstructed cartographically (Fig. 7.2). Together these two documents present a picture of great complexity in the control of

grazing practices on the wastes. The 1587 award delineates a piece of fell called Burnmer Moor which is used as summer pasturage for all the geld goods and horses of the manor. With the exception of Burnmer Moor the remainder of the extensive wastes of the manor appears to have been divided between individual tenements. In Eskdale and Miterdale tenements were allocated cow pastures on the lower fell-sides immediately adjacent to their inbye land, while the higher fells were divided into distinct, individually-named heafs on each of which the sheep of a small group of tenements grazed. The award specifies in great detail the drift ways along which sheep were to be driven to and from these high fell pastures.

The Wasdalehead Award of 1664 describes a slightly different system. Here the fells around the dalehead were divided into seven heafs for management purposes, although there is no suggestion that the sheep of any tenement or group of tenements were restricted to one particular heaf: the heafs were natural features, banks of fellside bounded by watersheds and water courses, which formed convenient units for gathering flocks.

The pattern of waste management shown in Figure 7.2 bears a resemblance to that described in the similarly vast manor of Wensleydale in 1614 and discussed in Chapter V (p.157), where stinted pastures reserved to individual settlements lay immediately outside the head-dyke and the unstinted Out Moor, common to the whole manor, lay beyond. In Eskdale, Miterdale and Wasdalehead the pattern of waste

management was more complex but the essential distinction between the lower fells (Burnmer Moor and the cow pastures) used for cattle and horses, and the higher fells, divided into heafs for the management of sheep flocks is probably common to both areas.

Although not documented in detail elsewhere in the western Lake District, the subdivision of extensive tracts of waste into management units more fitting to the dispersed nature of settlement in the valleys was no doubt frequent. Where this occurred, although not distinguished by physical barriers, the pattern of delineated pastures assigned to individual tenements would produce a pattern of management parcels not unlike the patchwork of fields within the head-dyke. The legacy of such practices on modern large-scale maps of the Lakeland fells is to be seen in the occasional occurrence of place-names like Peelplace Noddle, Dawsonground Crag (in Eskdale, see Fig. 7.2) or High Snab Bank and Birkrigg Brow (in Newlands valley) which link a piece of fellside by name to the tenement in valley bottom whose heaf it was. The similarity of these names to the examples of settlement-linked moor names elsewhere in upland northern England (Chapter V, p. 158) should be noted.

The pattern of complex delineation of management units on the wastes of the Lakeland townships contrasts markedly with the evidence from the coastal lowlands. In these areas, where wastes constituted a far smaller proportion of the territory of the manor, references to heafing are found neither in 16th century nor later documents. It seems

probable that either all the commoners' beasts grazed promiscuously over the manor's moorland, or that, where a number of separate moorland remnants were found within one manor, a tenement's stock grazed that waste nearest to its inbye land.

Along the coastal lowlands the principal result of bending the manorial framework of pasture rights to fit the practical reality of stock management was the acceptance of intercommoning where the boundary between two manors ran across a block of waste. Such situations were ratified by the payment of a nominal sum for escapes or overleap by cattle of one manor onto the wastes of another. Thus the 1578 Survey records that

"The tenantes of Kirkeby als St. Bees (iisiiij^d) and the tennts of Locrigge (iiiij^d) paie yerelie for escape of thir Cattell uppon Egremonte Comon.....iiij^sviiij^d"¹²

Although the moorland boundary between the manors of St. Bees and Egremont was precisely defined by a series of stone crosses by the mid-15th century¹³, the practical impossibility of keeping the cattle of St. Bees and Loughrigg from straying onto Egremont Moor was accepted and manorial theory assuaged by the payment of this customary due. Elsewhere in Copeland the tenants of Lamplugh paid for intercommon on the wastes of the manor of Dean¹⁴, and the tenants of Stainburn and Priestgate paid for le Overlop in the manor of Workington¹⁵.

The evidence presented above, both from upland and lowland parts of Copeland suggests that in both areas the theoretical manorial framework to use of the waste was moulded for the purposes of day-to-day stock management to

suit the practical needs of the farming community.

A further dimension to the discrepancy between manorial theory and the practical reality of stock management is added by the evidence for seasonal movement of cattle between the Lakeland valleys and the coastal lowlands in a system which completely ignored manorial boundaries.

The extent to which such a system of transhumance was practised in 16th century Copeland is difficult to ascertain, but recurrent hints in a variety of sources suggest that it might have been more widespread than is immediately apparent. The most obvious references to such a system come in the form of payments, akin to those for overleap discussed above, by people from outside a manor for the right to graze a certain number of beasts on the wastes of that manor for part of the year. Such evidence is restricted to the upland manors of the former Forest of Copeland, where members of lowland communities paid for summer pasturage for their stock. Thus the 1578 Survey lists, under the graveships of Kinniside, Netherwasdale and Eskdale, grass houses or grasslands with attendant pasture rights held by men whose tenements lay around the periphery of the upland free chase:

"Roberte Thourson de le Calder holdeth a grasse house and ix beastes gates in somer uppon the Lo: wast (at Kinniside) & renteth per annum ix d."16

Although it cannot be documented in detail in the 16th century, the use of the Middleward (the extra-parochial block of lord's freehold waste named Copeland Forest on Ordnance Survey maps) as summer grazing by a number of lowland communities was of greater significance than the occasional

extra-manorial pasture rights listed in the 1578 Survey. From the mid-16th century at least, the "pindings" of the Middleward were leased by the Lords of Egremont to middle men¹⁷, who levied a charge from each tenant whose beasts were found grazing there. 17th century sources describe how stock from the coastal strip between St. Bees and Drigg were put up to the Middleward between 20th April and 8th September. On the latter day the lessees impounded all stock found grazing there and assessed the levy accordingly¹⁸. In 1684 998 sheep and 162 cattle and horses were summered on the Middleward¹⁹ and, if the scale of the practice was similar a century earlier, this piece of upland fell land must have provided a vital adjunct to lowland wastes.

There are hints that the practice of summering lowland stock on the Lakeland fells was not confined to such legally ratified procedures as this. The 1587 Award concerning use of the wastes in Eskdale, Miterdale and Wasdalehead included a paine:

"Against taking of Cattle and Horses in Summer:
And we judge that no Tenant or Tenants shall take any cattle to Grassing within the said Lordship upon paine of vj^sviiij^d every beast so taken, but such like as they winter."²⁰

This suggests that the agistment of cattle by lowland farmers with their neighbours in the Lake District valleys was a potential problem at least at this date.

The reverse seasonal movement of stock (which still occurs today) would consist of agistment of Lakeland farmers' stock on the coastal lowlands in the winter. Such a practice, which broke the rule of levancy and couchancy,

is documented in some 17th century court leet verdicts as at Braithwaite & Coledale in 1685 when four tenants were presented:

"for carying theire sheepe forth of my lord's liberty in the winter time and for bringing them backe in the sumer time into my lord's common."²¹

but earlier references to such movements are rare. A presentment at Dean Court in 1520 against the keeping of 8 foreign sheep in this lowland manor in the winter time²² probably records the practice of away-wintering on lowland pastures in the early-16th century.

If such seasonal movements of stock between manors in the two distinctly different parts of Copeland were common in the 16th century, the notion of waste management at the level of the manor clearly breaks down. Even if seasonal agistment of stock on waste outside the manor is discounted, the 16th century evidence suggests that, both in the delineation of specific heafs in Lakeland townships and in the accepted meaningless^{ness} for practical purposes of manorial boundaries across the waste in some lowland areas, the model of manorial organisation of the waste does not accurately describe pastoral practices in Copeland.

3. Mediaeval Waste Management

Few surviving mediaeval documents contain details of pastoral practices on the waste comparable to those discussed above from 15th and 16th century sources. However, a number of documents which refer to the free chase of Derwentfells in the 13th century suggest that two of the

features of pastoral management noted above, namely, the seasonal movement of stock between upland and lowland parts of Copeland, and the complex subdivision of a tract of waste into a number of management units which bear little relation to the later pattern of township boundaries, can be traced back to the early-mediaeval period.

The retention of the free chases under the direct control of the lords of the three large, federal estates was noted in Chapter III (p.68). Despite the connotations of game preservation which this implies, it seems that the potential of these large tracts of upland waste for grazing was realised early. Not only did the lords of Cockermouth and Egremont establish large-scale cattle ranches in their chases (see Chapter VI, p.208), but the late-13th century ministers' accounts of the Fortibus estates in the Honour of Cockermouth suggest that they also sold pasture on the Lakeland fells to others. As the table below shows, the accounts of the serjeants of Derwentfells contain entries listing receipts from the sales of both winter and summer pasture (herbagium jemale; herbagium estivale):

Sales of Herbage : Derwentfells, 1278-1290

<u>Year:</u>	<u>Winter Herbage:</u>	<u>Summer Herbage</u>
1278	1s 6d	19s 4d
1279	2s 6d	23s 1d
1281	2s 0d	21s 1d
1283	5s 11d	24s 11d
1290	12s 6d	24s 2½d

Source: P.R.O.S.C. 6/824/10-14: Accts. of Serviens of
Derwentfells.

Although the accounts do not specify to whom these sales were made, it is tempting to compare them with the agistment of lowland stock on the forest of Middleward in the 16th and 17th centuries, described above. The fact that receipts from sales of summer grazing are consistently much higher than those from winter herbage may perhaps be interpreted as evidence of such a seasonal movement of stock from the adjacent lowlands up onto the Lakeland fells in the summer months.

In a similar way, the grants of pasture rights in the free chases to the monastic houses of Seaton, Calder and St. Bees²³, and the survival into the 16th century of pasture rights on the fells of Copeland Forest as appurtenances to tenements in the lowlands²⁴, are more explicit, if more limited, examples of use of the western fells by communities along the coastal strip.

Indeed, this evidence has important implications in the light of the Scottish and Northumbrian evidence for the existence of a central shire-moor on which communities throughout the federal estate could graze their stock (see Chapter V, p. 161). It is tempting to see the upland free chases of the three federal manors in Copeland as central reserves of pasture utilized, particularly in the summer months, by farmers throughout the anciently-settled coastal strip of each lordship.

The second facet of waste management in 13th century Derwentfells concerns the spatial definition, at a more detailed level, of pasture rights on the free chase. Surviving deeds relating to the mesne manors of Embleton and Wythop suggest that a complex pattern of rights, bearing little resemblance to the later apportionment of the waste between adjacent townships, was found in the 13th century.

The grant of the ring-fenced block of land which subsequently became the mesne manor of Embleton to Orm de Ireby in 1195 also includes a complex assemblage of rights of common pasture, parts of which were, spatially, closely-defined. In addition to unspecified intercommon with the neighbouring communities of Cockermouth, Lorton, Oustwic and Setmurthy, Orm and his men were granted common of pasture in Wythop within precisely-defined bounds, and pasture in a specified area between Cockermouth and Lorton²⁵. The impression is of a system of pastoral organisation as complex as that seen in 16th century Eskdale (see above, p. 228) in which some parts of the waste were intercommoned and not divided between adjacent communities while other

areas, delimited by precise boundaries, were reserved to the use of particular groups of farmers.

The inclusion in this grant of a pasture right for the men of Embleton in a delimited block in the northern part of the later township of Wythop²⁶ is of particular interest as, when viewed with other documents dating from the colonisation of Wythop in the later 13th century, it provides evidence for the complexity of pasture rights in the area prior to the establishment of settlement. Two agreements dating from the 1280s record the settlement of disputes between John de Lucy, lord of Wythop and free tenants in the neighbouring township of Lorton who claimed pasture rights in Wythop on the land de Lucy was then bringing into cultivation²⁷.

A different dimension to mediaeval pastoral practice is illuminated by an examination of the evidence from Copeland for the practice of seasonal transhumance involving the removal of stock during the summer months from the home farm to distant shieling grounds. The survival into the 17th century of such a practice in Northumberland was noted in Chapter V (p.159) and the use of extensive upland wastes by surrounding lowland communities appears to have been ubiquitous throughout the Highland Zone of the British Isles. The practice is well-documented in Scotland (Gaffney, 1959; Miller, 1967; Whittington, 1973, 567-9) and in Ireland (Graham, 1953) where it survived into the 18th and 19th centuries, and the overviews of agrarian practices in lowland Scotland (Barrow, 1962) and northern England (Miller, 1976) in the mediaeval period have suggested that transhumance

involving summer shielings was a ubiquitous feature of the rural settlement system in these areas at an earlier time.

In view of the generally-accepted view that the use of summer shielings was an integral feature of agrarian organisation in pastoral areas of Britain the evidence from Copeland deserves close examination.

On the extensive wastes in north Cumberland in the 16th and early-17th centuries the system of shielding involved the removal of the herdsman, his stock, and his family from his permanent dwelling to a hut on the shielding grounds some 10 to 20 miles (15-30 km) away from May to August (Ramm, 1970, 4-5). There is no direct evidence for such practices in 16th century Copeland, although the implied seasonal movement of stock between the upland and lowland parts of the area has been noted above (p. 232). In north Cumberland, as Ramm (1970, 6-8) has shown, physical remains of shielings survive on the wastes as a testimony to these practices and, although no intensive field work has been carried out in Copeland, he listed a number of similar rectangular hut structures in Borrowdale, Buttermere, Ennerdale and Gosforth (ibid, 35-6, 41-2).

The evidence for shieling practices in mediaeval Copeland is tantalizingly elusive and yet both the references in documentary sources to scalings and the survival in place- and field-names of elements generally considered to be associated with the use of summer pasture grounds suggest that it might have been an important feature in the economy of the area.

The documentary evidence consists for the most part of no more than scattered references to scalings, scales or scalesteads. One of the earliest and most explicit references occurs in the grant of Brisco to the burgesses of Egremont in the early 13th century. The charter included a clause specifying that the burgesses could

"place their scalings in the said land near the bounds of Suntun between Milnebech and the river Ehen; but that no man may make his dwelling there except shepherds"²⁸

The implication is clearly that these scalings were associated with stock-keeping but whether seasonal movement of stock was involved is not clear.

The manorial documents concerning the Fortibus estates in the Honour of Cockermouth in the late-13th and early-14th centuries repeatedly include receipts from the rents of scalings in Derwentfells²⁹ and other references to shielings at Kinniside, Loweswater, Gosforth and Corney³⁰ at the same period perhaps suggest a fairly widespread occurrence of temporary huts on the wastes of the Lakeland fells at this date. In contrast, the 15th and 16th century corpus of material gives the impression that the use of such shielings had declined almost to the point of extinction by that time: in Derwentfells references are made to decayed scalings in the accounts of this period³¹ while a presentment at Loweswater court in 1518 for harbouring thieves in a shieling in the mountains³² is the only mention of the continuing use of these buildings.

This is as far as the documentary record goes and it should be noted that nowhere is it spelt out explicitly

either that a scaling was used only in the summer months, or that the holders of scalings in the Lakeland dales came from outside the graveship in which the shieling lay. Indeed, in the case of the Brisco charter quoted above, the shieling site allocated to the burgesses of Egremont lay only about a mile from the borough.

The second category of evidence for the use of shielings in Copeland consists of the survival of place-name elements associated with transhumance. The distribution of three such elements has been mapped in Figure 7.3. By far the commonest is the element scale or scales from the old West Scandinavian skali (equivalent to the Old English scēla from which shiel, shield and shieling are derived) which has the general meaning of a temporary hut or shed (Smith, 1956, ii, 123). That the use of scēla/skali was not restricted to temporary dwellings associated with transhumance is made clear by the survival of the Cumbrian dialect term Peat scale for a shed in which peat is stored³³ and by a 14th century reference, quoted by Ramm (1970, 1, 36), which states that miners in the Alston district lived together in shelis.

The other elements mapped in Figure 7.3 are the Old Norse saetr and erg which both have the meaning of a summer hill pasture or shieling ground rather than the actual building referred to by the term scale (Smith, 1956, ii, 95-6, i, 157).

The distribution of these elements shows a concentration in a belt at the junction between the lowland coastal strip

and the edge of the Lakeland fells. This is particularly striking in the case of the element erg which occurs in the names of the townships of Mosser, Winder, Salter and Cleator which lie along the margins of the Lakeland fells. Only in the valleys of the Cocker and Derwent in the former free chase of Derwentfells do shieling place-names penetrate deep into the Lakeland massif. At a more detailed level both farm- and field-names containing the element scale show a tendency to cluster along the head-dyke at the junction between cultivated land and waste.

At the broader level the distribution of these names would favour the accepted interpretation of shieling history which sees shielings established as a secondary band of settlement on or near large reserves of waste at a distance from the nuclei of permanent settlement. As colonisation proceeded some shielings became established as permanent farmsteads. The ring of shieling names along the Lake District margin in Copeland can thus be interpreted as originating in the establishment of shieling grounds near extensive reserves of waste by the early-settled communities along the coast. The contrast between the frequent occurrence of shieling place-name elements and the relatively few documentary references to shieling practices perhaps implies that such practices were dying out by the beginning of the documentary record.

B. THE DEFINITION OF BOUNDARIES ACROSS THE WASTE

The foregoing discussion of pastoral management practices on the waste has presented a picture of great complexity and variety in the parcellation of unenclosed waste into management units. At one extreme the extensive wastes of large Lakeland townships are found to be subdivided into small heafs; while, at the opposite end of the spectrum, manorial boundaries across lowland wastes were ignored and whole blocks of waste managed as single units, intercommoned by the stock of a number of communities. Overlying this is the evidence for the seasonal movement of stock between the complementary upland and lowland sectors of Copeland.

All this evidence points to a conclusion that the pattern of management units, into which the wastes were divided for the day to day control of stock, was quite independent of the pattern of township boundaries shown running through former areas of waste and unenclosed fell alike on the 19th century Ordnance Survey maps. The object of this section is to examine the evidence from Copeland for the process of definition of these territorial boundaries across the waste. It has been suggested in Chapter IV (p.112) that the majority of townships coincided with manorial estates and this process of definition should be viewed as an expression of the process of appropriation of the waste to the lords of adjacent manors.

The evidence from Copeland suggests that two contrasting processes of boundary definition may be identified. Each is closely linked to the manorial status of the waste: in the first kind, a superior lord, often the chief lord of the federal estate, retained control of the waste until a comparatively late date and the apportionment of blocks of waste to surrounding township communities consequently occurred fairly recently. In contrast, there are examples of mesne estates which, from the early 13th century at least, have included a clearly-defined block of waste within their bounds. From the tenurial contrasts between the free chases of the western Lake District (retained under the control of the lords of the three federal estates), and the coastal lowlands (divided at an early date into mesne manors) it might be thought that these differences in the status of the waste merely reflect the upland/lowland division of each federal estate noted in Chapter III. However, as will be seen, the evidence suggests that some lowland wastes were retained under the control of superior lords in a manner similar to that found in the free chases.

1. The Free Chases

The relationship between the townships into which the free chase of Copeland Forest was divided and the partition of the area between the three heiresses of the lord of Egremont in 1338 was noted in Chapter IV (p. 114).

In this case the boundaries of the later townships can be shown to be those used to divide the formerly unitary free

chase into what amounted to three separate manors in the 14th century.

In Derwentfells, the free chase of Cockermouth which embraced 8 later townships and contained both mesne manors and communities of tenants holding their land directly from the lords of Cockermouth, a more complex picture of boundary definition emerges.

The terminology of 12th and 13th century charters implies that the free chase consisted solely of a tract of waste surrounded by "vills", areas of cultivated land in which communities of farmers lived. Where these vills were held by mesne tenants the estates of these men consisted merely of enclosed land and did not include waste. For example, the original grant of Embleton to Orm de Ireby in 1195 specified that the land granted lay "within hedges" which were not to be extended onto the surrounding forest of Cockermouth³⁴, and in a later deed (c1210) referring to land in Embleton the boundary details include reference to "the great hedge which surrounds the vill"³⁵. The mediaeval vill (and manor) of Embleton thus consisted only of a block of cultivated land sitting in a sea of waste which was part of the free chase of the superior lord of Cockermouth. Thus, when the lord of Embleton was granted permission in c1300 to take in 45 acres of land they were explicitly described as lying

"outside the hedges of the said Sir Thomas de Ireby of Embleton, Shatton and Stanger, namely in the waste and in the free chase of Derwentfells"³⁶

Exceptions to this pattern of tenurial dislocation between manors along the head-dyke line are the townships of Wythop and Borrowdale to each of which an appendant block of waste was assigned when they were granted away to mesne lords³⁷. The boundaries specified in these charters are the only ones in Derwentfells which can be documented in the mediaeval period, and yet by the 19th century hard and fast boundaries between all the adjacent townships in area had been drawn across the waste. Indeed, it was suggested earlier in this chapter (p. 226) that for practical purposes each township organised the waste adjacent to its enclosed lands independently of its neighbours in the 16th century.

Direct evidence for the processes by which these boundaries were defined is almost non-existent, but it seems likely that the network of boundaries shown on Ordnance Survey sheets of the area represents the tacit acceptance of a pattern of subdivision which was based on long-standing management practice but had no legal basis. An example of the confused position of these boundaries is found in a dispute over grazing rights on the wastes between the townships of Lorton and Embleton in the early-18th century. Although a firm boundary across the waste was cited in Derwentfells Court Leet in 1705³⁸, the inhabitants of Embleton nevertheless claimed two years later that they should be allowed to intercommon with the inhabitants of Lorton, "we and they being all of one manner"³⁹. No doubt the confused legal position of the waste in Derwentfells as late as the 18th century is a reminder of the early

situation in which the whole of the free chase was one unit of lordship held under the lords of Cockermouth.

2. Lowland Wastes retained by an Overlord

The evidence for the retention of the whole of a block of waste by an overlord who did not retain control over all the communities of farmers who used that waste is less clear for the anciently-settled coastal strip of Copeland than for the free chases discussed above. However, the history of two contrasting pieces of waste in the lowlands can be charted in the documentary record.

The first of these is Whillimoor, the block of moorland which survived until Parliamentary enclosure in the valley of the River Keekle, north-west of Whitehaven (see Fig. 7.4) and is quoted by Jolliffe (1926, 12) as an example of a lowland shire-moor on which men from throughout Copeland could graze their stock. Unfortunately, the evidence on which Jolliffe based his conclusions leaves the details of the early feudal ownership of the area unclear, yet there is no doubt that Whillimoor is an example of a tract of waste subsequently divided between adjacent townships but possessing some identity as a single territory in the early mediaeval period.

The bounds of Whillimoor given in a document of c1447 have been reconstructed in Figure 7.4 and confirm that the mediaeval moorland of that name consisted of the contiguous wastes of the four modern townships of Distington, Moresby, Weddicar and Whillimoor. As far as can be gauged from

surviving documents each of these four townships was held by a separate mesne tenant, as opposed to being retained in the hands of the lords of the federal estate of Egremont, in the early 13th century (see Appendix A III, nos. 34-37).

However, in a grant to the Priory of St. Bees in the mid-12th century, the lord of Egremont is found granting pasture for sheep to the monks and their men on Welingesmora⁴⁰. This charter, implying both that Whillimoor was being used by tenants from outside the immediate vicinity and that the lord of Egremont as feudal superior could grant pasture rights on the moor to "foreign" tenants, formed the basis for Jolliffe's conclusion that Whillimoor was akin to the shire-moors of Northumbria.

If Whillimoor did bear resemblances to the wastes of the upland free chases of Copeland in the 12th century, later mediaeval documents show how the area became divided between the communities around its periphery.

Grants of pasture and turbary in "the moor as far as the cultivated land of Moresby" (c1230) and in "my moss in Moresby, which is called Wythemir" (c1280) by the mesne lords of Moresby in the 13th century⁴¹ suggest that by this date control over that section of Whillimoor adjacent to the vill of Moresby had passed from the superior lord of Egremont to the mesne lord.

In the absence of further documentation the precise tenurial position of the remainder of Whillimoor at this period must be accepted as uncertain. However, an interesting, though incomplete, charter of c1360 concerning a

dispute between the lord of Moresby and the Priory of St. Bees over the latter's pasture right for sheep on Whillimoor contains a statement which strongly suggests that the boundaries between townships over the waste had crystallised by then. It describes the area as:

"A certain moor, long ago called Welyngmore, different parts of which are now called by three names on account of the proximity of adjacent villis, of which one part is now called Moricebymore, another part Welyngmore, and the third part Distyngtone more"⁴²

If Jolliffe's conclusion that Whillimoor was originally a shire-moor associated with the Lordship of Egremont is accepted, the later documentation would appear to chart the area's change in status over the mediaeval period as the moorland block came to be apportioned between adjacent townships.

The evidence from Whillimoor may be compared with an agreement of 1227 which fixed the boundary of a block of waste appendant to the later township of Stainburn. Although the vill of Stainburn was part of the Five Towns and thus in the Honour of Cockermouth, the waste outside the head-dyke appears to have been under the control of the lords of Workington, that minor federal estate focus itself held of the lordship of Egremont (see Chapter III, pp.70,82). In the agreement over the pasture of Stainburn a bounded block of waste which, from the few place-names which can now be identified, appears to have coincided approximately with Stainburn Moor, enclosed in 1814⁴³, was reserved as the pasture of the free tenement of Stainburn, although the men of the superior manor of Workington could still graze

their beasts within this block as well, the only restriction being that they and the Lord of Workington could not enclose it⁴⁴.

A contrasting example of a block of lowland waste not originally apportioned between adjacent townships is provided by Dean Moor the northern extension of Whillimoor. Here the moor remained in the control of a feudal superior, the lord of Dean, until Parliamentary enclosure, and the boundary over the waste between the townships of Branthwaite and Dean shown on Ordnance Survey maps is an artificial line which follows the edge of allotments laid out by the Enclosure Commissioners in 1815⁴⁵.

The manor of Dean appears to have coincided with the ecclesiastical parish of the same name and thus to have embraced the three townships of Dean, Branthwaite, and Ullock, Pardshaw & Deanscales. As documented in Appendix A III (nos. 22-26), the lords of Dean had tenants at will throughout the parish except in the township of Branthwaite which was a freehold estate, tantamount to a mesne manor, within the manor of Dean. The lack of division of Dean Moor between Branthwaite and Dean appears to stem from the outcome of a dispute in 1355 in which the lord of Branthwaite claimed ^a/₂ moiety of the soil of all the wastes of Dean, which the Lord of Dean claimed to be entirely his own. The dispute was settled in favour of the lord of Dean, the lord of Branthwaite releasing all claim to the soil of the wastes of Dean, and accepting that his common right on the wastes was by virtue of the position of Branthwaite as a free tenement within the Manor of Dean⁴⁶.

The boundary between Branthwaite and Dean quoted in this agreement appears to coincide approximately with the head-dyke of Branthwaite running along the edge of Dean Moor⁴⁷, and would seem to confirm that Branthwaite's position was akin to that of Embleton in Derwentfells - a mesne estate coinciding with a poor law township yet consisting in the mediaeval period merely of a block of cultivated land the adjacent piece of waste being retained by the lord of a superior manor.

3. Lowland Wastes divided between adjacent manors

In marked contrast both to the free chases and to those lowland wastes which were retained by an overlord is the evidence from a number of early charters for the allocation at an early date of a closely delimited block of waste to a particular manorial community.

The early-13th century charters which granted Mosser to a mesne lord and Brisco to the burgesses of Egremont make it clear that in each case the boundaries of the territories concerned ran for part of their circuit across land which remained as unenclosed waste until Parliamentary enclosure. The analysis of township boundaries presented in Figure 4.2 shows how the majority of boundaries across former waste follow natural features, either water courses or watersheds, while only relatively few boundaries appear to be artificial lines drawn across a piece of moorland or fell. These early grants of Mosser and Brisco, the boundary details of which are reconstructed in Figures 7.5 and 7.6, provide

examples of boundaries across the waste following both natural and artificial lines at an early date.

In the case of Mosser (Fig. 7.5) the boundary for the most part followed water courses except along the eastern edge of the territory when it was said to run "by the bounds which are between Thackthwaite and Mosser". The implication is that these bounds were already fixed by the date of the grant (c1203), and it is not unreasonable to assume that they coincided with the modern township boundary which follows the crest of the fells between Mosser and the Cocker valley in which the hamlet of Thackthwaite lies.

The grant of Brisco in c1210 (Fig. 7.6) provides a contrast. Here the boundary across the waste along the northern side of the territory runs between two watercourses but its position across the moorland between these streams is fixed by two boulders known as Aveneleston and Stainbrennan. The line was subsequently ratified in 1292 as being the boundary between the wastes of Brisco and Cleator and, as such, became fossilized by a dry-stone wall on the enclosure of these wastes in 1783 and 1825 (see Frontispiece)⁴⁸.

In the absence of other early grants it is impossible to know for certain how many other boundaries were defined at a similarly early date. Indeed, it was suggested in Chapters III and IV that both the overlying framework of federal estate organisation and the pattern of mesne lordship over individual townships in the lowland part of Copeland were well established features of the area at the opening of the written record. If this was the case, a slow

process of definition of manorial rights over the waste similar to that documented at Whillimoor and Stainburn probably established the later pattern of township boundaries gradually over many centuries. With the exception of those wastes like Dean Moor, which remained undivided between townships until Parliamentary enclosure, most areas of waste in the lowlands appear to have been divided between adjacent manors by the end of the mediaeval period. The crystallization of the boundary between Egremont and St. Bees by the mid-15th century has been referred to above (p.230) and the details of the boundary of the manor of Frizington in 1410 make it clear that a hard, fast line across the open moorland adjoining Arlecdon formed the north-eastern part of the boundary by that date⁴⁹.

In summary, one overriding conclusion may be drawn from the discussions presented in this chapter. The complexity of the evidence from Copeland suggests that, in order to explain the pattern of territorial boundaries in an area in which large reserves of waste remained, the precise position of a piece of waste on the ladder of feudal ownership at a particular time needs to be understood. The evidence presented above suggests that this pattern of seignorial control over the waste was not static during the mediaeval period, but was changing away from the retention of the waste by the chief lord of a federal estate towards an extension of the influence of mesne tenants beyond the head-dyke of their estates to include a delimited block of unenclosed waste.

CHAPTER VIII

C O N C L U S I O N S

A: SUMMARY AND CONCLUSIONS

The intention of this study, as stated in the introductory chapter and embodied in its title, was to examine both overlying administrative patterns and underlying patterns of agrarian organisation in order to study the form and evolution of mediaeval settlement in Copeland. Before isolating salient themes which call for further research, the conclusions reached in the two sections of the study perhaps require reiteration and discussion.

1. Territorial Structure

The over-riding conclusion drawn from the analyses in Chapters III and IV of the origins and development of the territorial patterns shown on 19th century Ordnance Survey maps is that, in general, the boundaries between units of civil administration replicate the boundaries between units of lordship. In other words, the identity of the blocks of territory taken as administrative units from the mediaeval period onwards frequently lies in their cohesion as the estates of individual landholders.

Viewed in simplified form, the framework of lordship which thus underlies the territorial structure of Copeland consists of two levels. First are the units of overlordship, the three large compact, federal estates which appear to bear a close resemblance to the ancient shires of Northumbria or the multiple estates found in 11th and

12th century Yorkshire. For most of their length their boundaries follow the major river valleys and thus give to each estate a sector of both the coastal lowland and the Lakeland fells. In internal structure the physical contrast between these upland and lowland areas is mirrored in the tenurial and jurisdictional contrast between the upland free chases or "forests" of the western Lake District, peopled by communities of tenants at will who held their land directly of the lord of the federal estate, and the coastal lowland strip in which the majority of land was held as freehold estates although demesne land and communities of tenants at will were found in the immediate vicinity of the estate caput. The legacy of these three federal estates in the post-mediaeval pattern of territorial boundaries is most clearly seen in the parishes of the three mother churches of Brigham, St. Bees and Millom, each of which embraced within its bounds most of the free chase of one of the federal estates.

The second level of territorial structure is that of the freehold estates, each held by an individual mesne lord, which formed the constituent elements of the lowland part of each shire. In most cases these estates consisted of discrete vills or townships, many of which survived as units of poor law administration and were thus delineated on 19th century Ordnance Survey maps. It should be noted, however, that both the examination of the history of Copeland townships in Chapter IV, and the introductory observations on the relationship between mediaeval vills

and 19th century townships in part of the Yorkshire Pennines (Chapter II, p 41) have highlighted the dangers of assuming that 19th century units of civil administration were the direct descendants of mediaeval vills in upland parts of the north.

Despite these reservations, the implication of the conclusions drawn in Chapters III and IV is that both the overlying structure of federal estates and the underlying pattern of mesne manors/civil townships were ancient features providing a stable framework within which the patterns of settlement and peasant agriculture evolved. Nevertheless, one important qualification to this conclusion must be made. In the discussion in Chapter VII of the processes by which hard and fast territorial boundaries came to be defined, it was noted that, in a number of cases, precise boundaries between manors over tracts of unenclosed waste did not occur until a comparatively late date. Hence, at an early date, the basic territorial entity of mesne estate/civil township should perhaps be conceived of as a core area of cultivated land bearing the same name as the later territorial division but defined by indeterminate marches (rather than precisely-defined boundaries) across the surrounding waste.

2. Agrarian Organisation

In Chapter V (pp 139-143) a fundamental distinction was drawn between cultivated land within the head-dyke and the unenclosed waste outside it. The possibility of precise

spatial definition of rights on land within the head-dyke and, by contrast, the lack of such clear-cut definition on the waste have important implications when attempting to identify a community's economic territory or resource area. Indeed, the dislocation of patterns of organisation on either side of the head-dyke in Copeland described in Chapters VI and VII would confirm that in pastoral areas where large tracts of waste formed a vital part of the rural economy, the concept of a single, clearly-defined economic territory is often not applicable.

Moreover, the head-dyke not only separated the two independently-organised sectors of a community's resource area but also, in some places, coincided with the boundary between units of lordship. As shown in Chapter VII (pp 246-252) although some mesne estates consisted of both cultivated land and a defined block of waste from an early date, in a number of cases the waste was retained under the control of a feudal superior until a comparatively late date and the estate of a mesne lord consisted only of land within the head-dyke.

The discussion of settlement and patterns of land tenure within the head-dyke in Chapter VI suggested that the basic unit of agrarian organisation appears to have been what has been termed here the farm group territory, a compact block of land generally containing between 100 and 300 acres (40-120 ha), shared by a small group of tenants. Although frequently centred on a small patch of shared arable land a wide range of patterns of tenure is suggested

by 16th century descriptions of such territories, some consisting entirely of closes held in severalty, others exhibiting a regular pattern of tenure in which each tenant held a proportional share in each piece of arable land or meadow. The similarity of these territories in scale and, as far as can be judged, in internal organisation to the fermtouns of Scotland or the townlands of Ireland are striking and confirm the accepted view that, in patterns of agrarian organisation, Cumberland is to be classified with the "Celtic", Atlantic fringe of Britain. The disposition of these small hamlet territories in Copeland was such that the typical mesne manor/civil township embraced a number of farm group territories and hence frequently had no obvious focus.

In the same way, the division of the waste into management blocks for the day to day control of stock (discussed in Chapter VII) frequently seems to have borne little relation to the partition of the waste between units of lordship. At one extreme was the long-standing tradition of complex subdivision of the large tracts of waste in the Lakeland fells into more manageable heafs for the use of individual tenants or groups of tenants within the manor, while at the other end of the spectrum was the agreement to ignore manorial boundaries, both by intercommoning between adjacent manors on the lowland wastes and by seasonal movement of stock between the upland and lowland parts of Copeland. As shown in Chapter V (pp157-160) all these features of waste management are also found elsewhere in upland northern England.

So far these concluding remarks have not considered how the settlement and farming system of Copeland evolved during the period under study. In terms of the broad overview of settlement chronology expressed by the timing of the expansion of the cultivated area during the mediaeval and subsequent centuries, Copeland appears to fit into the generally accepted national model of economic trends. As summarised in the conclusions at the end of Chapter VI (pp 218-219), a vigorous phase of early mediaeval colonisation which ceased in the 14th century depression was followed in the late-15th and 16th centuries by no more than minor adjustments to the head-dyke line, even though increasing population pressure at this time apparently caused the partition of some holdings between a tenant's sons. With the exception of these late- and post-mediaeval minor adjustments to the head-dyke line, it appears that the pattern of enclosed land and waste recorded on the eve of Parliamentary enclosure had probably become established in outline by the early-14th century.

In contrast, such continuity does not, however, appear to be found in the history of the settlement pattern of scattered farmsteads and hamlets. In particular, the 14th and early-15th century depression may be isolated as a period in which substantial changes occurred. The establishment of new peasant communities on former demesne land during this period (see Chapter VI, pp 189-194) and, on the other side of the coin, the hints that a certain amount of settlement desertion may have occurred at this time

(pp216-217) suggest that the consequences, direct and indirect, of the late-mediaeval depression may have caused a substantial degree of settlement reorganisation in the area. Even if the total pattern of enclosed land and waste was inherited almost unchanged from the early mediaeval period, the evidence suggests that there may thus have been significant differences between the 13th and 16th century settlement patterns in the area.

B: IMPLICATIONS FOR FURTHER RESEARCH

A striking feature of the preceding concluding comments has been the general inability of the study to identify origins (as opposed to tracing the evolution) of the elements of the settlement pattern chosen for examination in the previous chapters. Although often substantially modified during the period under study, the broad patterns of settlement distribution, of enclosed land and waste, and of territorial units all seem to have been inherited in large measure from the centuries prior to the beginning of the written record in Copeland. Although an examination of the evidence for pre-Norman settlement in the area is beyond the scope of this concluding discussion, two particular questions which have been brought into sharper definition, but not answered, in this study may perhaps be reiterated.

The first concerns the origins of the landholding system. The work of G.R.J. Jones and G.W.S. Barrow (reviewed in Chapter II, pp46-51) has suggested that the overlying framework of federal estates or shires may have been inherited from pre-Saxon, Celtic society. If such deep roots are accepted for this higher level of social and tenurial organisation, is it not possible that the origins of the mesne estates, which have been shown to be such stable territorial units in Copeland, may also lie deep in antiquity?

Some parishes and townships in southern England have been suggested to have originated as Roman estates (Seebohm: 1890, 424-436; Finberg: 1957, Ch. 1; 1964, Ch. 2) and, more

recently, Bonney's (1972) examination of parish boundaries in Wessex has both shown their tenorial origin (they coincide with the boundaries of Saxon estates) and suggested that even some boundary details may be inherited from pre-Roman times. Although the evidence for late definition of boundaries across some wastes in Copeland makes it unlikely that similar detailed continuity may be argued for at least some township boundaries in the area, the frequent occurrence, noted in Chapter IV (p 117) of territorial names consisting of a habitative or topographic element defined by an old English personal name in Copeland perhaps suggests that many mediaeval mesne manors possessed some identity as units of lordship in the Anglo-Saxon period.

The question of the antiquity of these mesne estates is perhaps particularly interesting in areas of hamlet settlement like Copeland where it often seems to be their tenorial identity, rather than any coherence as physical entities or agricultural units which binds an apparently random scatter of farmsteads together as a unit of territory.

The second question which has been brought into focus by the analysis of mediaeval documentation in this study concerns the antiquity of the settlement pattern of the area in detail. With the important exception of those farmsteads assumed to have been newly-built on the dimission of former demesne land to tenants at will in the 14th and 15th centuries, there seems to be very little documentary evidence for the establishment of, even peripheral, farmsteads during the mediaeval period. Although the cultivated area

seems to have been extended vigorously outwards from pre-existing settlement nuclei in the 13th century, only in the case of Wythop is there unequivocal evidence for the establishment of a whole new community on formerly empty land at this date.

Although the dangers of drawing conclusions from such negative evidence are realised, it is suggested that the possibility that the majority of settlement sites shown on 18th and 19th century maps of Copeland had been occupied since before the beginning of the documentary record deserves serious consideration. Indeed, if the great antiquity of the social and tenorial territorial framework is accepted, is it not possible that elements of the settlement pattern are similarly ancient?

This question draws attention to the major limitation of this study: its concentration on the documentary record to the almost complete exclusion of field survey. It should be remembered that this has inevitably led to, first, a one-sided portrayal of settlement evolution in the period under study by charting only those changes which are recorded in the written record, and second, the artificial severance of mediaeval patterns from their pre-Norman roots. Clearly, a full picture of settlement evolution in the area can only be painted once the documentary evidence presented in this study has been married to a survey (as yet hardly begun) of the archaeological evidence for settlement in the area during the millenium from 500 to 1500 A.D.

CHAPTER I

1. For example, the intensive archaeological investigations of individual settlements by Beresford and Hurst (1971, and in Sawyer, 1976, Ch.11) and Fairhurst (1967, 1968), and the metrological analysis of settlement morphology undertaken by Roberts (1972) and Sheppard (1974) following the tradition established in Scandinavia (reviewed by Helmfrid: 1972, 75-81). Thorpe (1964) has classified the various rural settlement types found throughout Britain.
2. Work on patterns of agrarian organisation in upland parts of Britain is reviewed in Chapter V. On a national scale, the standard works are those of Gray (1915) and the detailed regional syntheses collected into Baker and Butlin (1973). The study of "field systems" has concentrated on the spatial organisation and functioning of common arable fields (for example, Gonner: 1912; Orwin and Orwin: 1938; Thirsk: 1964, 1966; Titow: 1965; Ault: 1972) and on the evolution of agrarian systems through time (for example, Bishop: 1935; Hallam: 1965; Baker and Butlin: 1973; 627-56).
3. Published studies of territorial organisation in mediaeval Britain are reviewed in Chapter II. Two major strands may be identified: (a) the historical approach which scrutinizes documentary sources to understand the nature and evolution of administrative units such as townships and manors (Maitland: 1897; Vinogradoff: 1905, 1908; Stenton: 1910; Jolliffe: 1926; Jones: 1961, 1971, 1972, 1975, 1976; Barrow: 1969, 1973, 1975). (b) the archaeological approach which concentrates on the boundaries between territories, their definition on the ground and the evidence for their antiquity (for example, the recent collection of papers by Hill, Owen, Bonney and Charles-Edwards in Sawyer: 1976). Pertinent observations on territorial patterns are also found in the overviews of landscape evolution in the Celtic west by Flatrès (1957) and along the Welsh Marches by Sylvester (1969).
4. The distinction between the "Celtic" north-west and the "Teutonic" south-east of Britain recurs in the works of Meitzen (1895); Seeborn (1890) and Gray (1915), and is implicit in the more recent studies by Hoskins (1955) and Flatrès (1957). It is repeated in Fox's (1938) division of Britain into Highland and Lowland zones and is, perhaps, the fundamental concept in the historical geography of the island.
5. The standard work on the geology of the Lake District and its periphery is still that by Marr (1916). Detailed descriptions of the drift cover along the coastal strip of Copeland are given in the Geological Survey memoirs accompanying 1:63,360 Geological sheets 28 and 37 (Eastwood et al: 1931; Chs. XV and XVI;

5. (Continued)
Trotter et al: 1937; Chs. VIII and IX). Comparable memoirs have not, unfortunately, been published for the western Lake District valleys, nor are there published soil surveys of the area.
6. The present-day rural landscapes of Dumfriesshire and Northumberland are in many respects a product of the 18th and 19th century agricultural revolution. The former county, like many other parts of Scotland, contains examples of planned estate villages set against a backcloth of geometrical field patterns (Smout:1970; Donnochie and MacLeod: 1974; Millman: 1975). In lowland Northumberland an important element in the settlement pattern is the single, "model" farmstead constructed by improving landlords in the 18th and 19th centuries. A case-study of the reorganisation of settlement in 18th century Northumberland is provided by Jarrett and Wrathmell's discussion (1977; 108-112) of the desertion of the village of West Whelpington in c1720. In Cumberland, by contrast, the modern field pattern still retains a distinction between the irregular fields of the "ancient inclosures" (some of which exhibit the familiar aratral curve associated with a process of open-field enclosure which did not drastically re-organise the landscape), and the rectilinear boundaries of allotments on former waste land subject to Parliamentary Enclosure in the late-18th and early-19th centuries.
7. For example, in the Cocker valley the following 17th century datestones have been noted:-

<u>Farm Name</u>	<u>Grid Ref. (NY)</u>	<u>Inscription</u>
Crabtreebeck	131 215	F.B.A.B. 1660
Low Hollins	158 226	R ^S C 1687
Low Lorton	153 260	M ^W A 1679
Midtown	161 257	P W 1678
Waterend	116 227	I.D.A.D. 1658
Whinfell Hall	149 254	R.A. 1677

(The list is not exhaustive.)

8. The enclosure awards used in this calculation were:-

<u>Township</u>	<u>Date</u>	<u>Area of waste enclosed as % of township acreage</u>	<u>Ref: (C.R.O.)</u>
Distington	1768	37.1	QRE/1/85
Frizington	1820	29.3	QRE/1/34
Harrington	1761	22.6	D/Cu/7/4
Hensingham	1767	25.7	QRE/1/48
Irton	1813	30.4	QRE/1/59
Moresby	1763	24.7	QRE/1/6
Mosser	1867	31.1	QRE/1/127
St. Bees	1816	17.3	QRE/1/20
Weddicar	1809	44.3	QRE/1/18
Whinfell	1826	46.8	QRE/1/11

9.	<u>Township</u>	<u>Date</u>	<u>a.</u>	<u>b.</u>	<u>c.</u>	<u>Ref:C.R.O.</u>
	Lorton	1835	5317	3867	72.7	QRE/1/55
	Loweswater	1865	9258*	5871	63.4	QRE/1/128
	Ennerdale	1872	12457*	7637	61.3	QRE/1/129

a. = Township acreage (* = adjusted to exclude acreage of lake).

b. = Acreage of waste enclosed by Act.

c. = Area of waste enclosed as % of township acreage.

CHAPTER II

1. In Cumberland and Westmorland extreme examples are the parishes of Kendal (Westd.) containing 26 townships and chapelries, and Greystoke (Cumb.) which embraced 12 such divisions (1831 Census Enumeration Abstract: ii; 684, i;94). Sylvester (1969, 169) has shown cartographically the marked contrast between single-township parishes in southern England and multi-township parishes in the north.
2. Exceptions to this rule are Rathven parish, Banffshire, divided into six "villages", and Urquhart parish, Inverness, which included the "township" of Glenmorristone (ibid.:ii;948,988).
3. These average values represent a sample of every tenth "township" or "chapelry" listed in the 1831 Census Enumeration Abstract in the counties concerned. Parishes divided into townships, but for which only a total parochial acreage was given, were not included, nor were urban areas (boroughs and cities). Individual county averages were:-

Southern and Midland Counties:

	acres	ha		acres	ha
Bucks.	1092	442	Ches.	1096	444
Devon	3226	1306	Dorset	2395	969
Gloucs.	2319	938	Hunts.	2830	1145
Kent	2493	1009	Leics.	1754	710
Lincs.	1243	503	Norfolk	1742	705

Northern Counties:

	acres	ha		acres	ha
Durham	2148	869	Lancs.	2220	898
N. Riding	2337	946	W. Riding	2576	1042

4. Statutes: 42 Eliz.c.2.
5. Statutes: 14 Chas.II.c.12.
6. A formulary of c1300 gives the fourth clause of a land charter as locus ubi terra iacet. (Legal and Manorial Formularies in Memory of J. P. Gilson: 1933;1).
7. The use of the Scots term toun in the Northern Isles should be noted in this context. References from both Orkney and Shetland suggest that the term referred to the whole of a community's cultivated land separated from the surrounding waste (which thus lay outside the toun) by the head-dyke (English Dialect Dictionary: "Town"; Adams: 1973, 277, quoting New Statistical Account: xv;123). In contrast, the traditional Norwegian nomenclature is different: here gård (cf. English garth, yard) is used to refer to the community's total cultivated land, while tun is used of the actual settlement site, the enclosed space in the centre of the gård in which the houses of the hamlet lie (Holmsen: 1956, 29; Rønneseth: 1974, 25).

8. VCH: Durham: i;330,333.
9. Ibid.;333-4.
10. Greenwell, W (ed.) (1857) Bishop Hatfield's Survey (1381), p.61, Surtees Soc., Vol:32.
11. The territories named are represented in the 19th century by Salisbury and Pendleton chapelries, and Livesly township. Farrer, W. (ed.) (1907) Lancashire Inquests, Extents and Feudal Aids: Part II: 1310-1333; pp.4, 5, 12, 11. (Lancs. and Ches. Record Soc., Vol:54).
12. For example, references to the vill of Tarvit, Fife, c1228 (Barrow: 1974;29) and to the vill of Inchtute, Carse of Gowrie, c1225 (Charters of the Abbey of Coupar-Angus: i;83-4).
13. Holm Cultram: No.49. (Grid Ref. NY 02 33.)
14. Cockersand: ii;ii;1050. (Grid Ref. SD 41 95.)
15. Furness: ii;349-50. (Grid Ref. SD 29 83.)
16. Regesta Regum Scottorum: i;No.194. (Grid Ref. NO 27 31.)
17. Charters of the Abbey of Coupar-Angus: i;48-9. (Grid Ref. NN 86 64.)
18. Regesta Regum Scottorum: ii;No.484. (Grid Ref. NO 19 16.)
19. Lancaster, W. T. (ed.) (1915) Fountains Abbey Chartulary. This chartulary was chosen because it includes a large collection of 12th and 13th century deeds covering a wide range of places, almost all of which lie in the North and West Ridings of Yorkshire. The deeds are published in English, translated from the 15th century MS of the chartulary. For the purpose of this discussion these translations have been trusted as accurate.
20. Ibid.:ii;567-82, 694-5.
21. Ibid.:i;143,306.
22. Ibid.:i;140,372.
23. Charters of the Abbey of Coupar-Angus: i;17-20.
24. The term shire is used in mediaeval Northumbrian and Scottish documents and place-names and is favoured by Barrow. (For a discussion of the term see Barrow: 1973; 52-3) The phrase multiple estate has been coined by Jones (1971) as a descriptive term which allows comparison between both English and Welsh evidence.
25. Regesta Regum Scottorum: i;No.243. The four maneria are Scon (Scone NO 12 26); Cubert (Coupar-Angus NO 22 40); Forgrund (Longforgan NO 31 30); and Straderdel (Strathardle NO 04 63 to NO 14 51).
26. Domesday Book; f.269b. (quoted in Darby & Maxwell:1962;394).

1. P.R.O. JUST.1/132/m32r.
2. Alanus Walthevi filius omnibus hominibus de Alredala et de Coupelandia....salutem. (StB: 454)
3. "Gospatric's Writ" (13th century copy of mid-11th century OE deed) transcribed and translated in PNC: iii; xxvii - xxx.
4. ecclesiam sancte Bege, que est sita in Caupalandia (StB: 3 c1130 x 1140). Cf 12th cent. description of Plumbland (NY 15 38) as lying in provintia quae Alredale vocatur (Reginald of Durham (Surtees Soc. Vol:I, 1835) cap.cxxix p.275).
5. Thomas de Multon de Egermund tenet manerium de Egermund cum Baronia de Coupeland de domino rege per unum feodum (P.R.O. JUST.1/132/m32r).
6. Land in the Seignory of Millom (between the rivers Esk and Duddon) is frequently described as being in Coupland in mediaeval sources - e.g. Brotherilkeld (NY 21 01) in 1292 (Furness: ii; ii; 540); Seaton (SD 10 90) in c1290 (AD: iv; A9161); Grassoms (SD 14 88) in 1252 (StB: 367); Thwaites township in c1280 (Furness: ii; ii; 550)
7. The grant consisted of all the land between Cocar and Darwent and quinque villae, scilicet, Brygham, Eglysfeld, Dene, Bramtewait, Graisothen, et duo Clyftone et Stainburne. (Chronicon Cumbrie printed, carefully edited, in StB: 498)
8. Extent of Manor of Cockermouth on death of William de Fortibus, Earl of Albemarle, 1259 (P.R.O. S.C.11/730/m1).
9. Acct. of custodiens of Cockermouth Castle, 1316-18, includes receipts from hamlets of Coldalle, Neulandes & Goderikeschales in Coupland (Coledale, Newlands, Gutherscale, all in Above Derwent township) (P.R.O. S.C.6/824/18).
10. Taxatio Ecclesiastica Angliae et Walliae auctoritate Papae Nicholai IV circa 1291 (Record Commission, 1802), p.328.
11. Valor Ecclesiasticus; v,264,269; quoted VCH Cumberland: ii,122.
12. Taxatio Ecclesiastica; 308. et Furnesse is a variation found in the original Exchequer rolls of the taxation but not in the Cottonian MS on which the Record Commissioners' edition is based.
13. Reg. of William Greenfield: iv (Surtees Soc: 152, 1938), p.215. cf. description of church of Kirkby Ireleth (Furness) in 1313 as in decanatibus de Furneys et de Coupeland (ibid., 220).
14. "Introduction to the Cumberland Domesday, Early Pipe Rolls and Testa de Nevill" pp 295 - 335 in Victoria History of the County of Cumberland; Vol:I (London, 1901). Hereafter referred to as Wilson: 1901.

15. At an inquest of 1204 concerning the customs and services owed to Richard de Lucy, Lord of Copeland, his tenants claim to have held their lands a Conquestu Anglie (StBA: 29). Wilson (1901, 300n) argues that this phraseology (rather than simply "from the Conquest") implies a strong tradition that Copeland came under Norman control in the time of William I rather than after the fall of Carlisle to William Rufus in 1092.
16. Domesday Book; 301b.
17. Pipe Rolls 24 Henry II (1178) and 3 Richard I (1192), printed in translation in VCH: Cumberland: i, 349,369.
18. Extent of Knights' Fees, Cumberland, 1212, printed in VCH: Cumberland: i, 421 and StBA: 5.
19. P.R.O. JUST.1/132/m32r.
20. Placita de Quo Warranto; pp 112-4, 122-3.
21. StB: 2.
22. Cumberland Assize Roll, 1278: Feodis....Comitissa Albemarl tenet manerium de Cokermue in dotem de domino Rege....Alicia de Lucy tenet aliam medietatem illius manerii de Cokermue in capite de domino Rege per homagium et servitium. P.R.O. JUST.1/132/m32r.
23. Plac. Quo Warranto; 113.
24. Alicia que fuit uxor Ricardi de Hudleston tenuit manerium de Millum cum pertinenciis....de dicto Johannis de Multon.... per homagium & fidelitum & sectam curiam predicti Johannis apud Egremont....& per servicium unius feodis milit' & xiiij^s iiiij per annum....& proprietur' duorum servientiorum dicti Johannis quolibet ix die ad manerium suum predictum de Millum. Extent of Knights' Fees in Copeland on death of John de Multon, lord of Egremont, 1334 (Alnwick: X.II.3.4.a)
25. John de Hudeleston claims his privileges in 1291 inter aquas de Esk et Dudene. (Plac. Quo Warranto, 123). The customs of the Manor of Millom, 1511 (see note 28) concern the privileges of the lords of Millom infra dominium de Millom....videlicet inter aquas de Eske et Dudden.
26. Cumberland Assize Roll 6 Edward I (P.R.O. JUST.1/132/m32r - 3).
27. Placita de Quo Warranto (20 Edward I), pp 112-4, 122-3.
28. Customs of the Manor of Millom, Millom Court Capital 24 April 3 Henry VIII (C.R.O. D/Lons/W/Millom Court Book 1510 - 1523, pp 73 - 84).
29. Source B states that the lords of Millom claimed only half of the goods of fugitives and felons within their liberty.
30. e.g. Et Willielmus Inge qui sequitur pro domino Rege dicit

quo ad Wreckam maris & weyf quod sunt regales dignitates & nulli possunt conferri per aliam quam per ipsum dominum Regem. (Plac. Quo Warranto, 122a)

31. P.R.O. JUST.1/132/m33r - referring to free chases claimed by lords of Cockermouth, Egremont and Millom. cf. phraseology in Plac. Quo Warranto, 114a - Thomas de Multon claimed his privileges in Copeland ab antiquo, claiming that his ancestors a tempore quo non extat memoria usi sunt hujusmodi libertate.

32. Agreement between Thomas de Multon, lord of Egremont, and his free tenants in Copeland c1280:
inter Darwent et Eygne sit unus seruiens eques et unus pedes iurati, et unus garcio non iuratus qui nulla faciet attachiamenta vel sumoniciones aliquas. Item, inter Eygne et Dodyn sit ut supra, sed dicti duo eques et ij pedites iurati omnia facient que ad officium pertinent.
 (from 14th cent. MS copy in Alnwick X.II.3.4.a; a later copy is printed in StBA: 30b).
 In a plea of 1203, Richard de Lucy, lord of Egremont, claimed to have:
iiij landservientes, custodes, scilicet, pacis patrie, duos, scilicet ex una parte aque de Egen' et duos ex alia parte illius aque de Egen'
 (Abbreviatio Placitorum, p42; printed in StBA: 29)

33. Grant of Mosser by Richard de Lucy to Adam de Moserthe, c1203. Original in C.R.O. D/Lec/Box 301; 15th cent. copy in Lucy Cartulary printed in StBA: 28.

34. StBA: 29

35. Extent of Knights' Fees in Copeland on death of John de Multon, lord of Egremont, 1334 (Alnwick X.II.3.4.a); quoted above in note 24.

36. Furness: ii;ii; 539-41.

37. Grant of Brackenthwaite c1170 by Alan son of Waldeve, lord of Cockermouth, to Waldeve son of Dolfin specifies that Waldeve and his men testimonium invenient forestariis meis sicut alii vicini sui facient (Lucy Cart: 221; printed in StBA: 13).
 Likewise, in the extent of the Fortibus portion of Derwentfells in 1270, tenants in the Newlands valley perhibebent forestarios testum in suis egendis (P.R.O. S.C.11/730/m13v - 14v).

38. Copy (c1270) of grant by Alice de Rumeli, daughter of William son of Duncan, to her free men in the vill of Cokermouth, c1200 x 1216 (P.R.O. S.C.11/730/m14r).

39. Manwood (1615, f24) contrasts forest and chase. The former were royal preserves characterised by the rule of special forest law, the latter the hunting preserves of lords other than the king. The "private forests" of Copeland (Liddel: 1966) were thus strictly free chases, although the terms forestum and libera chacea seem to be interchangeable in local mediaeval documents.

40. P.R.O. JUST.1/132/m33v.
41. In 1195 Embleton is described as adjoining the forest of Cockermouth (Scotland: i, no:233), while in c1285 the same place is described as being in foresto de Derwentfells (Lucy Cart: 130); and c1300 as in libera chacea de Derwentfells (Lucy Cart: 46).
The forest or free chase inter Coker et Derwent is mentioned in 1230 (Scotland: i, 1106) and 1351 (Lucy Cart: 63).
42. The Court Capital of Derwentfells in 11 Henry VIII received turnsmen from Setmurthy, Embleton, Wythop, Lorton, Brackenthwaite, Thornthwaite, Braithwaite, Coledale, Rogersett, Buttermere, Borrowdale (C.R.O. D/Lec/299/16).
43. Rental of Manor of Cockermouth, 1270. Under the heading Derwentfelles are included customary tenants at Buttermere and at various places in the Newlands valley (Fall (cf Fawe Park), Gutherscale, Rogersett, Coledale, Skellgill), and free tenants at Setmurthy and Uzzicar (Newlands valley) (P.R.O. S.C.11/730/m13v - 14v).
44. Lucy Cart: 119
45. Agreement of 1281 between lord of Egremont and Abbot of Calder concerning enclosures in forestum de Coupland (14th cent. copy in Alnwick X.II.3.4.a; later copy in Lucy Cart: 238 which is printed in StBA: 34b).
In 1322 Ennerdale is described as lying within the free chase of Coupland Fell (IPM Thomas de Multon; Cal. IPMs: v, p198).
46. At the partition of 1338 the Bermingham heiress received the free chace of Eynerdale, the Fitzwalter heiress the free chaces of Kynesheved and Netherwacedal, and the Lucy heiress the free chace of Eskdaleward with Wastedaleheved, terminology which suggests that the free chase was considered to have a composite structure even before partition (Cal. Close Rolls: 1338, pp495, 477, 487). By the 16th cent. the Fitzwalter share had become known as the Middleward, the Lucy share retaining its name of Eskdaleward (C.R.O. D/Lec/301 - 1578 Survey, f.115).
47. C.R.O. D/Lons/W/Millom Court Book: 1510 - 1523, pp 73 - 84: bounds of the Forest of Ulphoy, 3 Henry VIII.
48. In 1535 Seaton Priory had common of pasture in forestam de Millome (Dugdale: iv, 228).
49. Bounds of Forest of Ulpha, 1512 (see note:47) coincide with the western boundary of Ulpha township from Green Crag (SD 200 983) southwards to Bowscale (SD 168 909).
50. Grant of Ravenesberg by Henry son of Arthur, lord of Millom (late 12th cent.) (AD: iv; A8947). Ravenesberg is identified as an earlier name for Ulpha from a rental of Ulpho als Revenesbergh in 1510 (C.R.O. D/Lons/W/Millom Court Book 1510 - 1523; p.60).

51. In the later-13th cent.(1284 x 1290) John de Hodillston, lord of Millom, permitted the monks of Furness to enclose their pastures at Brotherilkeld and Lingcove (the NE section of Birker and Austhwaite township) which are described as lying in his forest and adjoining that of the lord of Egremont (Furness: ii; ii, 565).
52. The Fleming fee (held by the Fleming family, later lords of Rydal, Westmorland) consisted of the hamlets of Beckermest (i.e. the manor of Little Beckermest centred on the village of St. John Beckermest), Frizington, Rottington, Weddicar and Arlecdon (Extent of Knights' Fees in Copeland, 1334; Alnwick X.II.3.4.a). The Fleming family's interest in these townships is confirmed by the grants by John Fleming to his son Richard, early-13th cent., of all his land in Copeland (W.R.O. WD/Ry/Box 92/ Deeds endorsed nos: 119.128).
The Dacre fee (held by the lords of Gilsland, NE Cumberland) comprised lands in Santon, Bolton, Gosforth and Haile in 1334 (Extent of Knights' Fees in Copeland). The Dacres were not the only mesne lords in Gosforth and Haile: in 1334 the heiresses of Alexander de Hale held the hamlet of Haile; and there were customary tenants in Gosforth holding their land directly from the lord of Egremont at the same date (IPM John de Multon P.R.O. C.135/41/1). However, the fee apparently included all Santon, and possibly embraced Irton and the whole of Bolton: in 1294 tenants who held under the Dacre fee included Alan de Coupland who held £20 land in Santon, Irton and Bolton (cf his heir, Richard who held the whole of Santon at his death in 1298 P.R.O. C.133/83/6), and William de Wayburthweyt who held £10 land in Bolton (P.R.O. C.133/73/1 - IPM Thos. de Multon of Gilsland who then held the Dacre fee from the lord of Egremont).
53. Extent of Knights' Fees in Copeland, 1334 (Alnwick X.II.3.4.a) includes payments pro vigilia maris from the lords of the following fees:
- | | | | |
|-------------|-------|-----------|-------|
| Workington | 4s 0d | Dacre fee | 2s 1d |
| Drigg | 1s 0d | Muncaster | 1s 0d |
| Fleming fee | 2s 5d | Calder | 7d |
| Cleator | 1s 0d | Morton | 8d |
| Distington | 11d | Newton | 5d. |
- Among the clauses in the agreement of c1280 concerning services due to the lord of Egremont by his free tenants is the decision that sewakepeni is to be paid as of old. (StBA: 30b). The earliest reference to the due in Copeland is the plea of 1203 concerning services due from a free tenement at Breseko (Brisco, near Egremont) in which it is claimed that the tenant debet awaitam maris facere (StBA: 29). The service is also found in Allerdale late 12th where it is claimed to be one of the services due to the lord of Allerdale (VCH - Cumberland: i, 321n).
54. Extent of Manor of Cockermouth on death of William de Fortibus, Earl of Albemarle, 1259 (P.R.O. S.C.11/730/m1).
55. IPM Thomas de Lucy, 33 Edward I (P.R.O. C.134/10/15).
56. The Chronicon Cumbrie (StB: 498) and associated documents printed in StBA (nos: 6,7) chart the complex tenorial history

of Allerdale and Copeland in the late-12th and 13th centuries. The lordships of Allerdale, Cockermouth and Copeland were united in the mid-12th cent. by the marriage of William son of Duncan (lord of Allerdale and Cockermouth) to Alice de Rumelli (heiress to the lordships of Skipton and Copeland). The estates were partitioned between their 3 daughters: Cecily (ancestor of the de Fortibus family, Earls of Albemarle), who succeeded to the Lordship of Skipton; Amabilia (ancestor of the de Multon lords of Egremont and the de Lucy lords of Braithwaite and Balnes), who succeeded to the Lordship of Egremont; and Alice who died without issue and succeeded to the Honour of Cockermouth and Lordship of Allerdale. On the death of Alice (post 1212) the lordships of Cockermouth and Allerdale were partitioned between the descendants of her sisters, the Fortibus share of the former being referred to as the Manor of Cockermouth; the Lucy share apparently being known as the Manor of Braithwaite.

57. Grant of privileges by Alice de Rumeli to her free men in villa de Cokermouth c1200 x 1210 (P.R.O. S.C.11/730/m14r).
58. Cal. Close Rolls: i, 474b.
59. StB: 454, & p.451n.
60. Scotland: i, 1106.
61. e.g. Grant of Stainburn (in Five Towns) by Waldeve son of Gospatric c1130 (confirmed in StB: 2); grant of Brackenthwaite (in Derwentfells) by Alan, his son, c1160 (StBA: 13).
62. P.R.O. C.134/10/15. (IPM Thomas de Lucy, 1305)
63. Scotland: i, 1106. That these hamlets were grouped to form the manor of Balnes is implied by the inclusion in the extent of that manor in the IPM of Thomas de Lucy in 1305 (note: 62) of a free rent from the hamlet of Thackthwaite. In the account of the reeve of Loweswater in 1437 is included a rent from the parcus de Balnes (C.R.O. D/Lec/29/1). If this identification is correct, the manor of Balnes was probably centred on the fields near High and Low Park (NY 14 20) named Bowness on the Loweswater Tithe Plan (C.R.O. DRC/8/121, nos:631-3, 638-42, 655). The promontory at 151 202 is surrounded by a bank and ditch and by local tradition was the site of a manor house. (cf. Figure: 6.4.)
64. 6 marks rent was reserved to the lord of Loweswater from the mill and tolls of Egremont at the partition (Scotland: i, 1106)
65. Libertas de Coplaund.....Thomas Bothau* occidit Robertum filium Willelmi de Kirkeheved (Kirkhead NY 140 207) cum quodam palo in Loweswater (P.R.O. JUST 1/132/m28v).
* may be read as n.
66. Cal. Close Rolls 1288-96: 400-2.
67. Grant of privileges to burgesses of Egremont by Richard de Lucy, c1205 (C.R.O. D/Lons/Deeds/WH1a; printed in Knowles (ed.) in Trans. Cumb. & West. Antiq. & Archaeol. Soc.; O.S. Vol.I (1866), p 282).
castellum de Egermundia is mentioned c1175 in StBA: 19.

68. Cal. Close Rolls 1288-96: 400-2.
69. Ibid. and Cal. Close Rolls 1338: 476, 486, 494.
70. Ibid. That Bordland was a form of demesne land is confirmed by the assignment to the Lucy heiress of all the lands in Blaikestansit and Trathousyk except the demesne lands called Bordland (ibid, 487)
71. It is however fairly common in SW and E Scotland where it has survived in the place-name Boreland. For example, Boreland of Colvend (NX 87 53) and Boreland of Southwick (NX 92 60), Kirkcudbrightshire, appear in 1661 as Bordland de Southwick; Bordland....infra parochiam de Colvend (Inquisitiones Scotiae Abbreviatio: Kirkcud: 286).
72. 10 custumerii at Carleton render 16½ quarters of oat flour (IPM John de Multon, 1334. P.R.O. C.135/41/1).
73. e.g. Confirmation charter by William Meschin, lord of Egremont to the Priory of St. Bees c1130 of land in Stainburn, Preston, and Rottington, and of the churches of Whicham and Bootle (in the Seignory of Millom) granted by his mesne tenants (StB: 2).
74. IPM Alice, widow of Richard de Hudleston, 1337 (Cal.IPMs: viii,p.67) mentions the park at Millom as well as a park at Ulpha. It lists rents from tenants at Bretby (Birkby), Botil (Bootle), and Satherton (for identification see Appendix AIII, no:106) but does not include a list of free tenants. The information concerning tenurial patterns in the Seignory of Millom presented in Figure: 3.3 is taken from the Rental of Millom Lordship in 1510 (C.R.O. D/Lons/W/Millom Court Book 1510-23, pp.51-66).
75. The lord of Corney c1150 was Copsi who founded the church there (StB: 82, and cf StB: 86: Copsi, qui erat dominus et fundator ecclesie de Cornea); and Wilson was able to trace the landholding interest of his descendants in the vicinity of Corney well into the 13th cent. (StB: p.114n). For the history of the Corbeth family, lords of Whicham in the 12th and 13th cents., see StB: p.108n, and for the Morthing family, lords of Whitbeck at this time see StB: p.280n, 123n, 364n.
76. e.g. Confirmation by Arthur son of Godard de Boyvill, lord of Millum, of a grant of land in Kirksanton made by his cousin a1152 (Furness: ii; ii,p.514). Confirmation by Adam de Millom, grandson of the above Arthur, of land in Millom (ibid,p.534). Confirmation by John son of John de Hodilston, grandson of this Adam, of land in Hyton granted to St. Bees Priory by Adam de Hyton (StB: 445).
77. StB: p.106n; PNC: ii, 414.
78. Domesday Book, 301b.

79. This is shown explicitly in the confirmation by William Meschin, lord of Egremont, of the grant by Godard de Boyvill, lord of Millom, of the churches of Whicham and Bootle to St. Bees Priory soon after its foundation c1125 (StB: 2). In the original grant by Godard it is stated that the donation to the Priory was for the souls of his parents, his wife and himself, and pro salute domini mei Willelmi (i.e. William Meschin) (StB: 76).
80. e.g. Mosser, paying 1 mark free rent (StBA: 28); Gilgarran rendering $\frac{1}{2}$ lb. pepper and $\frac{1}{2}$ lb. cummin (Extent of Knights' Fees, Copeland, 1334 - Alnwick X.II.3.4.a); Thornthwaite rendering one sparrow-hawk (IPM Thos. de Lucy, P.R.O. C.134/10/15).
81. e.g. Grants of Embleton (Scotland: i, no:233) in 1195; Mosser c1203 (C.R.O. D/Lec/301; copy in Lucy Cart (no: 45) printed in StBA: 28); Brisco c1205 (C.R.O. D/Lons/Deeds/WH1b printed in CW1: i, 282-7); Austhwaite c1220 (C.R.O. D/Stn/1/1 printed in StBA: 22); Wythop c1260 (C.R.O. D/Van/Wythop/Box 1).
82. Taxatio Ecclesiastica: p.328.
83. It should also be noted that the twin parishes of St. John and St. Bridget Beckermeth are represented by only one name - Beckermeth - in the Taxatio. However, both parishes were in existence by 1262 when there is reference to ecclesia Sanctae Johannis de Bechirmet, quae domui de Caldra (Calder Abbey) propinqua et parochiae Sanctae Bridgittae quam habent contigua (Dugdale: v, 341).
- Early references to the three churches missing from the Taxatio Ecclesiastica are:
- Arlecdon church, appropriated to the use of the Archdeacon of Richmond in 1262 (StB: p.147n).
 - Waberthwaite church where William Lyme sought sanctuary in 1278 (P.R.O. JUST 1/132/m30r).
 - Chapel of St. Peter at Drigg to which grants of land were made in early-13th cent. (StB: 16 - 18).
84. StB: 2. The bounds of the parish of St. Bees are given as from Witahova (Whitehaven) to Chechel (R. Keekle) to where the Keekle falls into Egre (R. Ehen) and thus down to the sea (see Fig: 3.5). The chapel of Egremont was inter predictos terminos.
85. Corney church was founded by Copsi, lord of Corney 1147 x 1153 (StB: 86, and p.111n). The neighbouring churches of Whicham and Bootle were in existence already by c1130 (StB: 2, 76) and the confirmation charter of the grant of these two churches to St. Bees Priory by Richard I suggests that Corney might previously have lain within their territory: the King confirmed the grant of ecclesias de Botle et de Witingham cum tota parochia que est inter Esk et parochiam de Millum (StBA: 9).
- It should be noted however that the copy of the original grant of these churches (StB: 76) includes totae parochiae of Whicham and Bootle but does not furnish such information about their extent.

86. Brigham church, dedicated to the Celtic saint, St. Bridget, contains fragments of Anglian and Hiberno-Norse sculpture (Pevsner: 1967, 78-9).
Crosthwaite (the name means "the clearing marked by the cross" PNC: ii, 302) is dedicated to St. Kentigern, patron saint of the Diocese of Glasgow, closely associated with the British kingdom of Strathclyde. Even if the tradition that the church was founded by the saint himself is doubted, foundation when that part of Cumberland was still linked with Strathclyde seems probable.
Millom. The earlier parochial centre was probably at Kirksanton (Santacherche in Domesday), now within Millom parish, although there is no documentary evidence to support this suggestion. Kirksanton means "the church of St. Sanctan", an Irish saint (PNC: ii, 415-6).
St. Bees. Traditionally said to have been founded as a nunnery by the 7th cent. Irish nun, St. Bega. Its 12th century name Kirkby Beghoc, "the settlement with the church of St. Bega" would seem to confirm that it was an early ecclesiastical focus (PNC: ii, 430-1). Pre-Norman sculptural remains are kept in the church (Fair: 1950, Pevsner: 1967, 184).
87. StB: 102-3 (re tithes of Molcorkilne and Sorescales c1220);
StB: 104-5 (re tithes of Thakthwayt and Moserg, 1220).
88. StB: 98.
89. Fountains: i, 58; Furness: ii; ii, 578.
90. Extent of Knights' Fees in Copeland, 1334, Alnwick X.II.3.4.a.
91. Rental of Curwen Estates, 30 Henry VI (C.R.O. D/Lons/W/Seaton Title Deeds/ex Box 34).
92. Manor of Harrington (including land in Workington, Kelton, and Weddicar) was held of the Manor of Workington (IPM John de Haveryngton, 1363 P.R.O. C.135/178/4).
Winscales seems to have been held directly from the lords of Workington: the boundary between the lands of the lords of Branthwaite and Workington agreed in 1278 appear to be represented on the modern map by the boundary between the townships of Branthwaite and Winscales (P.R.O. JUST 1/132/m14v). The feudal position of Kelton and Lamplugh is unclear: neither appear in extents of the lordship of Egremont, but there is evidence that both were controlled by the lords of Workington. Gospatric son of Orm, lord of Workington, granted a moiety of Kelton to Holm Cultram Abbey 1145 x 1179 (Holm Cultram: p.20) but it was later (late-12th cent.) regained by the family in exchange for land elsewhere (StB: p.465n). The position of Lamplugh in the 13th and 14th cents. is uncharted. The vill of Lamplugh was granted with the vill of Workington to Gospatric son of Orm by his cousin William de Lancaster in the mid-12th cent. (StBA: 19) and, as has been noted, seawake was paid by Lamplugh to Workington in 1450. Presumably a mesne tenant (? the de Lamplugh family whose 16th cent. seat was at Lamplugh Hall, and who held nearby Murton and Brownrigg in 1334 (Ext. of Knts' Fees. Alnwick X.II.3.4.a)) held Lamplugh under the manor of Workington.

93. Preston was granted to St. Bees Priory c1130 by Ketel son of Eldred, progenitor of the Workington family (StB: 2). Salter was granted to the same house by his grandson Gospatric son of Orm 1145 x 1179 (StB: 32). The earliest reference to the manor house at Workington is in 1250 (StB: 215), but Wilson argues (StB: p.236-7n) that the fact that the early-13th cent. lord of Workington is referred to as Thomas son of Gospatric of Wirkinton suggests that the family seat was at Workington by the end of the 12th cent.

94. P.R.O. S.C.11/730/m14v, Plac. Quo Warranto, 123b. Skiddaw forest, E of Bassenthwaite Lake, is also listed under Derwentfells in the 1270 Rental, and the account of the Forester of Derwentfells in 1437 includes receipts from the sale of herbage in Skiddaw (C.R.O. D/Lec/29/1).

95. see Appendix A.II:- Braithwaite; d,e.

96. Extent of Knights' Fees in Copeland, 1334 (Alnwick X.II.3.4.a).

97. Benedict de Penitona granted Skeldhou moor (of Skelda Hill, SD 08 92) to the monastery of Russyn, Isle of Man (Furness: i; ii, 510-1), and in late 12th cent. confirmed the grant of the church of Corney to St. Bees Priory (StB: 83). His son Alan granted Brotherilkeld (later described as lying in the forest of the lord of Millom - Furness: ii; ii, 566) to his brother David de Mulcastre c1210 (Furness: ii; ii, 565).

98. Rot. Chart., p.182.

99. Domesday Book suggests that the Lancashire estates of Leylandshire and Blackburnshire were coterminous with the hundreds of Leyland and Blackburn (see Darby and Maxwell: 1962, 394). That Hexhamshire consisted of the 3 large, contiguous parishes of Hexham, Allendale and St. John Lee is inferred from a list of its constituent settlements in a Subsidy Roll of 1295 (Northumberland County History: iii, 1-2).

1. The enclosed land and farmsteads at Eastwaite (NY 13 03), in the township of Irton, Santon and Melthwaite, are part of the vast upland portion of St. Bees parish, while the remainder of the township is otherwise coterminus with Irton parish.
2. With the exception of Low Keekle (33.6 acres, 13.6 ha) and Parton (52.9 acres, 21.4 ha), the smallest divisions in Copeland are the extra-parochial place of Salter and Eskett (637 acres, 258 ha) and the township of Rottington (643 acres, 260 ha). The largest upland townships are Eskdale and Wasdale (17,419 acres, 7049 ha), Borrowdale (16,666 acres, 6745 ha), and Above Derwent (14,750 acres, 5969 ha).
3. e.g. Brigham, Eaglesfield (Fig:1.7A), and St. Bees, although in each township there are scattered farmsteads in addition to the central village focus.
4. Particularly scattered settlement with little grouping into hamlets is found in Birkby, Brackenthwaite and Netherwasdale (Fig:1.7C) townships.
5. C.R.O. QCF/21/2.
6. The parochial chapelries of Cockermouth and Lorton (each also embracing more than one township) made separate returns and are not included here.
7. "Morresby and the Township of Parton. Divided ABout the year 1726. Each to mainten thir Owne Poor" C.R.O. QCF/21/2
8. "The Return of the Parish of Gosforth includes High and Low Bolton and Bornwood (sic) Townships" 1831 Census Enumeration Abstract: i,83.
9. The Land Tax division of Newton (returned with neighbouring Ponsonby) appears from the farms named in the return of 1825 to have been more or less coterminus with that part of Gosforth ecclesiastical parish now in the civil parish of Seascale.
10. C.R.O. QCF/21/2: Return of Crosthwaite parish, 1777. The parish is divided into first, Keswick, St. John's and Wythburn; second Borrowdale and Underskiddaw; and "Third and last the Division Call'd above derwent Mentains its Poor altogether".
11. Grave or grieve appear to be equivalent to the southern English reeve (cf English Dialect Dic: Grieve - "an officer who collected rents for the lord of the manor"). Hence the territory under his control was called the grieveship or graveship for which the New English Dic. quotes examples from Yorkshire (West Riding) and Northumberland. In Copeland the vernacular graveship appears to have been rendered in Latin as preposita in both 13th cent. and 15th cent. accounts (P.R.O. S.C.6/824/6-19; C.R.O. D/Lec/29).

12. C.R.O. D/Lec/300/ Return of Commissioners in Cumberland, 1576. Mines in Derwentfells are described as being "in the towneshipp or graveshipp of Coldale".
13. i.e. the units listed under the headings Libertas de Cokermuth and Libertas de Egremound. The Lay Subsidy Rolls used in this analysis are referenced in full in Appendix AII.
14. This number includes the extra-parochial place of Salter and Eskett, but excludes the township of Parton (the early-18th cent. origin of which has been shown - see note:7), the township of Low Keekle (an anomalous 33.6 acres (13.6 ha) not otherwise recorded as an administrative unit), and Copeland Forest (an extra-parochial block consisting solely of unenclosed waste).
15. Steel: 1912, 54-56. The total sum for Braithwaite was £163 2s 5d compared with £42 16s 10d for Cockermouth. The inclusion of Brundholme and Lizzick (in Allerdale Ward Below Derwent, outside Derwentfells proper) in the administrative vill of Braithwaite (see Appendix AII) perhaps suggests that the Lay Subsidy assessment unit of that name covered a larger extent, possibly including the market centre of Keswick.
16. Alexander de Ponsonby held Ponsonby in 1334 (Extent of Knights' Fees, Copeland - Alnwick X.II.3.4.a). The families of William de Corbot (or Corbeth) and William de Morthing have been shown to have been lords of Whicham and Whitbeck respectively (see Ch.III.note:75). William de Thwates was probably an ancestor of John Thwates who held the manor of Thwaites in 1510 (C.R.O. D/Lons/W/ Millom Court Book, 1510-23, p.51).
17. Only one instance of the use of the term villa integra has been found in Cumberland. A list of free tenants in Allerdale in 1270 includes:
Walterus de Wygeton' tenet.v.villatas integres in dominica feodis (P.R.O. S.C.11/730/m14v).
18. The relationship between the rating of holdings in Allerdale and Copeland in 1270 and the free rents due from them is as follows:

<u>Holding:</u>	<u>Rating:</u>	<u>Cornage:</u>	<u>Free Rent:</u>	<u>Cornage/vill:</u> (shillings)
<u>Allerdale:</u>				
Wigton	5 villas	66s 8d	-	13.333
Threapland	$\frac{1}{3}$ "	6s 8d	20s 0d	20.000
Ireby	$\frac{1}{4}$ "	6s 8d	-	26.666
Oughterside	1/9 "	2s 6d	1d	22.500
<u>Copeland:</u>				
Embleton	$\frac{1}{5}$ "	-	-	-
Dene	$\frac{1}{2}$ "	6s 8d	26s 8d	13.333
Brigham	1 "	5s 0d	-	5.000
Eaglesfield	1 "	6s 8d	-	6.666
Lit. Clifton	$\frac{1}{3}$ "	2s 10d	17s 0d	8.500
Hewthwaite	1/6 "	-	-	-
19. C.R.O. D/Lec/301/Grant by Richard de Lucy to Adam de Moserthe of all Moserthe (Mosser). 15th cent. copy in Lucy Cart: 45 printed in StBA: 28.

20. Extent of Knights' Fees in Copeland, 1334 (Alnwick X.II.3.4.a).
21. e.g. the Fleming fee which consisted of Beckermest (St. John), Frizington, Rottington, Weddicar and Arlecdon (see Ch.III, note 52). Both Frizington and Rottington were subinfeudated and each formed the estate of a mesne lord (W.R.O. WD/Ry/Box 92/Deed endorsed no:119; StB:p.426n).
22. Detailed evidence of the tenurial structure of the Seignory of Millom in the 13th and 14th cents. is lacking (see above, Ch.III,p. 74).
23. e.g. Lorton, where, in addition to the Priory of Carlisle's substantial estate consisting of the village of High Lorton, lands of a number of free tenants as well as land held by customary tenants directly from the lord of Cockermouth lay intermixed (see Appendix AIII, no:13).
24. i.e. Arlecdon (Fig:4.6, no:38), Brownrigg or Whillimoor (no: 37) and Weddicar (no:36). W.R.O. WD/Ry/Box 92/Deed endorsed no:119. Grant by John Fleming to Richard his son of all his land in Coplandia. The deed is undated and without witnesses but witnesses to a parallel deed in the same collection (endorsed no:128) suggest a date of c1240.
Other examples of loci shared equally between two lords are Whinfell divided between the lord of Cockermouth and a mesne lord (Appendix AIII, no:14); Wilton and Distington each divided between the lord of Egremont and a mesne tenant. (App.AIII, nos 69,34).
25. P.R.O. C.133/83/6.
26. IPM Hugh de Moriceby, 1348 (P.R.O. E.152/60). Moresby, centred on a ruined manor house, contained 80 acres of (demesne) land, 10 acres of meadow, a mill, and rents from tenants at will. Brackenthwaite, centred on the site of a manor house, again contained (demesne) land and meadow, a water mill, and rents from tenants at will.
27. IPM Thomas de Ireby, 1307 (P.R.O. C.134/2/10). The extent of Embleton included 4 free tenants, tenants at will holding 319 acres, cottagers, demesne land, a mill, and recently improved land (terra nova).
28. See, for example, Figures 7.5, 7.6 which reconstruct boundary details given in early-13th-cent. grants of Mosser and Brisco.
29. Cal. Close Rolls 1338, pp.477,487,495. The boundary of the Bermingham share replicates the southern boundary of the modern township of Ennerdale, while the boundary between the Fitzwalter and Lucy shares coincides with the modern boundary between the townships of Netherwasdale and Eskdale & Wasdale.
30. The Swinside farms are in fact included under Lorton in the 1578 Survey (f164), but in the General Fine books of both 1547 and 1633 (C.R.O. D/Lec/314/36 and 313/42) they are entered under Buttermere.
31. The cottages and garths at Wythop Mill are entered under Setmurthy in the 1578 Survey (f161) and their earlier inclusion

in the graveship of that name is probably confirmed by reference to improvements in Withop; iuxta le Mylnerase and iuxta Eskinclose (cf. Eskin Farm, NY 186 291) in the accounts of the prepositus of Setmurthy in 1510 and 1542 (C.R.O. D/Lec/29/10 and 15).

32. John, son of Puncon appears in the Pipe Rolls for Cumberland between 1177 and 1185 (StB, p.116n). According to PNC (ii, 427) the French name Puncun was not known in Copeland until the 12th century.

1. Survey of Possessions of Earls of Northumberland and Westmorland in the Counties of York, Westmorland, Cumberland, Northumberland and Durham, by Edmund Hall and William Hombertson by commission dated 18th March 1569/70. (P.R.O. E.167/37/f.3).
2. The sampling technique used was crude and not wholly satisfactory but was dictated by the limitations of time and the manner in which the inventories are stored. From inventories in the Diocese of Carlisle, held at C.R.O. where inventories are boxed by year, it was possible to extract every inventory of goods in Above Derwent township, Crosthwaite parish from 1579 to 1590. Of these, 30 were used in the analysis.
Inventories from the remainder of Copeland, in the Archdeaconry of Richmond, are held at Lancashire R.O. and are boxed alphabetically by the testator's surname. Every inventory in the Deanery of Copeland between 1570 and 1600 for men whose surnames began with the letters D,F,G,N,P,R,W was examined and 81 of these completed the sample used in the analysis.
3. Stock included all live beasts except poultry but excluded animal products such as wool and cheese. Crops included all grains etc. and hay whether standing or harvested.
4. It also assumes that the rapid inflation of the late-16th cent. did not cause a significant shift in the relative values of livestock and crops. The tables of annual average prices published by Thirsk (1967, Tables I, II) suggest that the prices of arable crops rose more quickly than those of cattle and sheep between 1570 and 1600, which suggests that stock value (as a % of stock + crop value) might be underestimated in the later inventories used in Figures 5.1, 5.2. This does not, of course, invalidate the argument that the high stock values found in the inventories point to a strong pastoral bias in the economy of Copeland.
5. The classification into "Lakeland" and "Lowland" townships is shown cartographically in Figure 5.3. A total of 54 lowland inventories and 50 Lakeland inventories was used in the construction of Figure 5.2.
6. In the following inventories the value of the sheep flock exceeded 50% of the total value of stock and crops:-

	<u>Stock + Crop</u>	<u>Sheep</u>	<u>Sheep as % of stock and crop</u>
P. Patrickson, Ennerdale, 29.12.1586	£46.5	£24	51.6
W. Nicolson, Mitterdale, 4.7.1574	£32.25	£22	68.2
J. Peile, Lorton, 28.6.1593	£18.532	£10.166	54.9
C. Fyshere, Brackenthwaite 15.6.1593	£29.05	£17	58.5

7. Relative quantities of main grain crops:-

	Bigg (bushels)	Oats	Ratio: Bigg:Oats
<u>(a) Lakeland farmers:</u>			
T. Diske sone, Wasdale, 1592	2	18	1:9
W. Nicolson, Miterdale, 1574	1	6	1:6
H. Allanson, Thornthwaite, 1578	3	24	1:8
J. Wilkinson, Thornthwaite, 1579	5	14	1:2.8
T. Stanger, Braithwaite, 1588	1	8	1:8
<u>(b) Lowland farmers:</u>			
R. Roddery, Embleton, 1584	6	13	1:2.2
J. Fawseit, Stainburn, 1576	12	24	1:2
T. Dickson, Dean, 1574	7	12	1:1.7
J. Peale, Distington, 1578	3½	7	1:2
C. Fisher, Winscales, 1596	6	36	1:6
R. Postelwhat, Whicham, 1583	15	20	1:1.3
C. Dawson, Bootle, 1573	16	30	1:1.9
J. Fletcher, Whicham, 1576	1	1	1:1

8. From the total of 144 inventories examined, only four references to winter sown grain were found: "one butt of winter corne" (J. Fawseit, Stainburn, 24.11.1575); "wheat sawne on the ground" (J. Wilkinson, St. Bees, Jan./Feb., 1587); "ardor and winter corne" (W. Welles, Haile, 11.3.1582); "seed and ardowe of wynter rye" (M. Dixon, Gosforth, 16.11.1596).

9. P.R.O. S.C.6/824/7-15.

10. Cockermouth grange: grain crops 1268-1294

Date	Wheat		Rye		Barley		Oats	
	a	b	a	b	a	b	a	b
1268	10.0	7.34	4.0	0.94	6.5	6.13	100.5	136.13
1269	10.0	8.06	1.5	2.31	2.0	10.31	154.4	187.38
1271	12.25	11.13	0.75	0.94	4.75	4.63	67.0	141.63
1274	10.0	10.88	-	-	2.0	9.13	21.5	57.63
1278	-	3.31	-	-	-	4.56	-	14.0
1294	-	-	3.0	-	3.0	-	116.0	-

Date = Year ending Michaelmas 1268

a = Acreage sown (acres)

b = Total yield in skepps (grain measures used in accounts: 16 windles = 1 skepp).

Source: P.R.O. S.C.6/824/7,8,9,10,15: Accts of Reeve of Castle of Cockermouth.

11. For example, in 1269, all wheat and rye over and above that retained for seed was sold. 10.13 skepps of barley (64% of the total receipts both from the produce of the grange and from other sources) was malted, presumably for the use of the castle household, while of the total oats received 19.5 skepps (7.7%) was used as fodder for draught oxen and horses, and 3 skepps (1.2%) was ground into flour. The remainder was either retained as seed (4% of barley; 55% of oats) or sold. (P.R.O. S.C.6/824/7.)

12. "Pasture:
 "In Gascarth [Gatesgarth] 60 cows with followers may be sustained.
 In Skythou [Skiddaw] 140 oxen, bullocks and heifers.
 In Coldale [Coledale] 300 sheep may be sustained.
 In Hopecartan [Hobcarton Gill] 350 sheep and 60 goats.
 In Keskeldale [Keskadale] 400 wethers and 100 ewes."
 (Extent of manor of Cockermouth, 1270: P.R.O. S.C.11/730/m14v).

13. Accounts of Instaurator, 1268-1279: Receipts from sale of produce:

<u>Date</u>	<u>Total receipts:</u>			<u>Sales of Milk:</u>			<u>Sales of Wool:</u>		
	£	s.	d.	£	s.	d.	£	s.	d.
1268	21	1	8	7	11	0 (36%)	9	13	10 (46%)
1269	23	0	4	7	3	0 (31%)	8	4	0 (36%)
1271	27	1	3	10	13	0 (39%)	7	0	0 (26%)
1274	33	16	6½	8	11	6 (25%)	6	13	4 (20%)
1278	23	6	10	4	11	6 (20%)	5	3	6 (22%)
1279	12	16	6½	5	16	6 (45%)	1	3	4 (9%)

Accounts of vaccarius of Gatesgarth, 1281-1290:

1281	3	14	0	2	14	0 (73%)
1283	5	8	7	5	4	6 (96%)
1290	4	3	4	2	15	6 (66%)

Source: P.R.O. S.C.6/824/7-14

14. Most years' accounts record the sale of a small proportion of the herd of breeding cows, a large proportion of the oxen of over 3½ years, and a number of younger animals:

	<u>1268</u>	<u>1269</u>	<u>1271</u>	<u>1274</u>	<u>1278</u>	<u>1279</u>
Cows	2/151	8/123	20/123	13/85	7/50	1/64
Oxen	6/10	-	7/7	19/19	8/12	-
Younger a	54/92	16/50	-	-	2/27	-
stock b	19/59	-	9/19	-	-	-

x/y : x = number of animals sold that year.

y = total number of animals of that type before sale.

a = calves; b = 2-3 year-old bullocks and heifers.

Source: P.R.O. S.C.6/824/7-11.

15. References to fulling mills in the following places in Copeland have been noted in the late-13th and early-14th centuries:

Applethwaite	1259	P.R.O. S.C.11/730/m 1
Braithwaite	1305	P.R.O. C.134/10/15
Brundholme	1310	P.R.O. E.199/7/3
Great Clifton	1298	P.R.O. C.133/75/9
Cockermouth	1259	P.R.O. S.C.11/730/m 1
Embleton	1322	P.R.O. C.134/75/7
Kinniside	1323	P.R.O. S.C.6/824/19
Loweswater	1305	P.R.O. C.134/10/15
Santon	1298	P.R.O. C.133/83/6
Wasdale	1323	P.R.O. S.C.6/824/19
Whinfell	1294	P.R.O. S.C.6/824/15

16. Fortibus Estate: Accounts of Instaurator, 1268-1279:
Structure of demesne sheep flock:

<u>Date</u>	<u>Wethers</u> (multones)	<u>Ewes</u> (ovies matrices)	<u>Hoggs</u>	<u>Lambs</u>
1268	384 (56%)	129 (19%)	91 (13%)	82 (12%)
1269	396 (59%)	114 (17%)	67 (10%)	96 (14%)
1271	314 (46%)	154 (23%)	98 (14%)	116 (17%)
1273	308 (54%)	109 (19%)	60 (11%)	92 (16%)
1278	179 (58%)	42 (14%)	67 (22%)	18 (6%)
1279	182	-	2	-

Each year a small proportion (21/384; 47/396; 10/314; 35/308; 13/179) of wethers was sold. Until the account of 1277/8, hardly any sales of other sheep are recorded: in this year all the ewes and gimmer hoggs were sold, perhaps in an attempt to cut losses in the face of the outbreak of murrain. (P.R.O. S.C.6/824/7-11).

17. The reduction in rent received from the fulling mill at Cockermouth in 1281 is explained as being due to morina bidenciarum (P.R.O. S.C.6/824/12), while the inquisitiones nonarum of 1340 attribute the decrease in wealth in Copeland since 1292 to, among other things, communem morinam ovium in partibus illis. (P.R.O. E.179/90/9).

18. Payments of Pannage recorded in accounts of serviens of Derwentfells, 1268-1318:

<u>Date</u>	<u>Payment in Kind^a</u>	<u>Money Payments</u>
1268	25	-
1269	39	15s. 4d.
1271	--	27s. 4½d.
1274	--	28s. 6d.
1279	13	-
1281	--	28s. 1d.
1283	--	22s. 1½d.
1290	3	12s. 10½d.
1294	--	16s. 0d.
1310	--	7s. 6d.
1316/18	--	7s. 7d.

a: i.e., number of pigs received by Castle reeve. If the custom of paying every twentieth pig to the lord

(as recorded in the grant of Austhwaite, c1200- StBA:22) was usual in Derwentfells, the payments in kind in 1268 and 1269 must imply herds of c500 and c780 pigs in the area at that time. (P.R.O. S.C.6/824/7-18; E.199/7/3 (account for 1309/10)).

19. For example, presentments at Dean and Loweswater courts, 1473, for pigs without rings:

Willielmus Richardson de Scal' habet ii,j porcos non anubs Petrus Fletcher pro ij pords non anuliz.
(C.R.O. D/Lec/299/1).

20. For discussion, see below, Chapter VII, pp.227-229.

21. The rental on the Loweswater Court Roll of 1613 (C.R.O. D/Law/Loweswater Box) lists tenants' stints in the pastures of Graynlussock (now the enclosed bank of fellside named Scales at NY 16 16 - see C.R.O. DX/128/1/42 - Loweswater Court verdict, 1740) and le Side (? the stinted pasture along the lower slopes of Melbreak on the west shore of Crummock Water marked on the Loweswater Enclosure Award of 1865 - C.R.O. QRE/1/128).

22. Oxford Dictionary: arder, ardor, -our, -ure, probably from Old Norse ardr = plough. "1. Ploughing, esp. the fallowing or ploughing up vacant land some time before the seed is put in; 2. The state of being ploughed up; 3. Land ploughed up and left fallow, fallow land".

23. For example, grant of privileges to burgesses of Egremont c 1205 includes right to free pasture within named bounds when vacua sit a blada et feno domini (C.R.O. D/Lons/Deeds/WH 1a; facsimile printed in CW, i;282-7). In late-13th century documents concerning land newly taken in from the waste, a common pasture right is frequently reserved post bladum et pratum a sportatum (Loweswater, 1292 - Lucy Cart: 62) or tempore aperto (Arrowthwaite 1256 x 1282 - StB:181; Walton, 1296 x 1303 - StB:234).

24. Presentments against the retention of closes in severalty during the open season are frequent in late-15th and early-16th century court rolls of the Five Towns and Derwentfells areas:- J. Wilkynson presented for j clausurum seratum tempore aperto (Five Towns, Michaelmas 1478, C.R.O. D/Lec/299/6); wife of H. Person for a Lokclos in the open season (Dean, 14 Oct. 1507; ibid, 299/11); J. Hudson and others for having closes enclosed in the open season, time out of mind; and J. Stele for j clauso tempore yemale (Derwentfells, Michaelmas 1473; ibid 299/2).

25. Paine at Setmurthy court, 28 Oct. 1522 (C.R.O. D/Lec/299/19):-

Ordinatus est quod nulla clausura seperalia teneatur in seperalia post festum Omnium Sanctorum et si quis gravatus fuerit ostendat visori hayarum tunc illi tenderit ad eadem et aperiat quodlibet clausuram in ij locis sufficientibus pro vitulis suis et hoc sub pena vjd.

(i.e., "It is ordered that no several closes shall be held in severalty after All Saints' Day (1st Nov.) and if anyone who is aggrieved should show (the offending enclosure) to the viewer of hedges, then he (i.e., the hedge-viewer) shall attend to it and open each such close in two sufficient places for his (i.e., the aggrieved's) calves, and this under paine of 6d".)

cf. Paine at Five Towns Court Capital 15 Oct. 1594 (ibid. 299/27), by which it is ordered that tenants of Eaglesfield and Brigham shall make all their hedges and keep them in repair from 25th March to Feast of All Saints each year.

26. Dispute concerning pasture at Fenwyk. Defendants claim that the custom of the neighbourhood (patriae) is thus: that after 9 o'clock on All Saints' Day is the open season, at which time the meadow which was previously enclosed (in defenso) may be grazed by the cattle (Three Early Assize Rolls for . . . Northumberland; p.257 (Surtees Soc., Vol. 88, 1891)).

That the custom continued into the 17th century in Northumberland is confirmed by an observation of 1604 quoted by Butlin (1973; 125) which states that tenants in Harbottle and Tynedale "soe, reape and moae each man his knowne grownd, and after the first crops they eate all in common without either stynt or number".

27. Cockersand: iii; ii; 1001. n.d., 1184 x 1190.

28. Rental of Furness Abbey (Furness: ii; iii; 592-602, 619-620).

29. ibid. For example, the hamlets of Salterhows (four tenements at 32s. 1d.); Cokande (four tenements at 29s. 0d.); and the larger settlement of Lindall-in-Furness (two at 18s. 11d.; three at 18s. 10½d.; 16 at 9s. 5½d.; one at 24s. 0d.).

30. Survey of Lordships of Middleham and Richmond, 1605 (in Willan, T. S., and Crossley, E. W. (eds) Three Seventeenth Century Yorkshire Surveys; pp.91-94. Yorks. Arch. Soc. Record Series, Vol. 104, 1941) - for example, hamlets in Carlton-high-dale, Coverham parish:- Gamersgill (two at 30s.; four at 15s.; two at 33s. 4d.; three at 13s. 4d.; two at 6s. 8d.); Flemshope (four at 30s.); Bradley (two at 10s.; three at 20s.; four at 40s.).

Survey of Redesdale, Northumberland, 1604 (quoted by Butlin: 1973; 128). For example hamlets of Carrick (two at 2s. 4d.; one at 4s. 8d.; one at 8s. 2d.; two at 3s. 6d.; two at 1s. 9d.); Landshot (four at 2s. 6d.).

31. For example, Egton: "Miles Parke, Thomas Parke, John Parke and Robert Towre, for 4 ten'ts (formerly only one) and 48 acres 20s. 4d."; Crakesyde in Egton: "William Kendall and Robert Kendall, sen., for 2 tenements (formerly only one) and 16 acres 9s. 4d." (Furness: ii; iii; 604).
32. Willan, T. S. and Crossley, E. W. (eds.) Three Seventeenth Century Yorkshire Surveys; pp. xxi, 15, 45, 59-60.
33. Quoted in Adams: 1973; 290-291.
34. Adam, R. J. (ed.): John Home's Survey of Assynt; plates (Scott. Hist. Soc. (3) Vol. 52; 1960).
35. McArthur, M. M. (ed): Survey of Lochtayside, 1769; plate opp. p.3 (Scott. Hist. Soc. (3) Vol. 27; 1936). On the south side of the loch, however, the estate was divided into rent-collecting units (officiaries) in each of which the waste was shared by the constituent hamlets (plate opp. p.75).
36. Willan, T. S., and Crossley, E. W. (eds.) Three Seventeenth Century Yorkshire Surveys; pp.xx-xxi, 2, 41.
37. Survey of Manor of Wolsingham, 1647, in Kirby, D. A. (ed.) Parliamentary Surveys of the Bishopric of Durham. Vol. I; pp.146-147 (Surtees Soc., Vol. 183; 1971).
38. Thus: Summersgill Fell, Greenbank Fell, Whiteray Fell (O.S. 1:25,000, sheet SD 66).
39. Cockersand: iii, i-ii, passim; Furness: ii, ii, passim - for example, early 13th-century grant of land in Caton, Lancs., cum communi pastura in villa de Caton quantum pertinet ad tantum tenementum (Cockersand: iii; i, 835).
40. For example, vastum . . . infra divisas de Kellet, 1219 x 1240; pasture for sheep in communi pastura de Berebrun, 1246 x 1268 (Cockersand: iii; i; 906, 927).

1. The fair copy of the survey is in the Cockermouth Castle archive (ref: C.R.O. D/Lec/301). It was made by order of a commission from Henry Percy, 8th Earl of Northumberland, dated 25th February 1577/8 (original in Alnwick: O.I.i.b; a copy is included at the beginning of the fair copy of the survey). The survey of the Cumberland estates was carried out between 14th April and 20th May 1578 both by holding courts at which sworn juries gave account of the Earl's lands in each graveship and by the "sight and searche of all aunciente presidents and records". Graveships are groups under the sectional headings of Westward (ff. 1-25); Baronia de Wigton (ff. 26-62); Aspatria (ff. 63-83); Egremonte (ff. 84-115); Forest infra Egr(emont) (ff. 116-145); Honor de Cockermouth (ff. 146-158); Darwent Fell infra Honor (ff. 158v-192); Quinque Villae infra Honor (ff. 193-197); Allerdale infra Honor (ff. 198-203); Bolton (unfoliated: copy of survey made 2 Sept. 1577 by virtue of commission dated 26 June 1577). Those sections underlined fall within Copeland.
2. Tenants at will are listed in the graveships of Egremont, Lowside Quarter, Beckermeth, Wilton, Carleton by Egremont, Ravenglass, Drigg and Carleton; Kinniside, Netherwasdale, Wasdalehead, Eskdale, and Miterdale; Setmurthy, Lorton, Buttermere, Rogerssett, Braithwaite and Coledale, and Mockerkin; Cockermouth, Greysouthen.
3. C.R.O. D/Lec/314/38 - hereafter "1547 Court Book".
4. Rolls survive for 1437/8 (C.R.O. D/Lec/29/1); 1453/4 (29/4); 1471/2 (Alnwick X.II.3.3.a); 1478/9 (29/6); 1483/4 (D/Lec/302); 1500/1 (29/9); 1509/10 (29/10); 1515/16 (29/11); 1518/19 (29/12); 1523/24 (29/13); 1542/2 (29/14).
5. For example, rents of individual tenements at Ehenside, near Egremont, which remained unchanged from 1471-1578:-

<u>1578.</u>		<u>1471.</u>	
J. Benn	10s. 8d.	H. Robynson	10s. 8d.
J. Sandwath	6s. 2d.	N. Barker	6s. 0d.
J. Lyndale	7s. 11d.	W. Dyconson	7s. 11d.
T. Kirkby	10s. 0d.	T. Gybbonson	10s. 0d.
E. Sanderson	6s. 8d.)	J. Saunderson	} 2 tenements 13s. 4d.
J. Kirsterson	6s. 8d.)	C. Johnson	

(1578 Survey: f.104 - tenements at Ehenside; 1471-Acct. of Reeve of Egremont (Alnwick.X.II.3.3.a), tenements iuxta aquam de Eyn.)
6. C.R.O. D/Lec/29/1 - for example, tenement formerly in tenure of T. Pele at 8s. 8d., now demised at 6s. 0d. (Braithwaite Acct.); messuage and carucate formerly in tenure of J. Merehous at 10s. 0d., now rendering only 9s. 0d. (Mockerkin Acct.); tenement formerly in tenure of W. Raven at 25s. 0d., now demised to W. Fysher at 20s. 0d. (Thackthwaite Acct.); close called Brathemyr which used to render 5s. 4d., now demised to J. Stanger, T. Tykhill and their associates for 8s. 0d. (Braithwaite Acct.).

7. 1578 Survey: f. 166r.
8. ibid. f. 121.
9. C.R.O. D/Lec/299/15 - Derwentfells Court Capital: presentment against P. Bell of Lortonscales for blocking the usual way in the territory of Lortonscales near le Comonmyre (cf. fields named Common Myre at NY 163 249, Lorton Tithe Plan, Nos. 406-409. C.R.O. DRC/8/118).
10. C.R.O. D/Lons/W/Gatesgarth Deeds/Hudson to Lamplugh, 1617. Similar phraseology is used of Pardshaw Hall, a hamlet in Dean Parish, in 1631 (C.R.O. DX/471/Bundle 1/ Wilkinson to Fletcher) and Southwaite, a group of farms in Blindbothel township, in 1596 (C.R.O. D/Sen/Ashley/Whinfell Deeds/Nicholson to Dixon).
11. For example, Cuthbert Bell's tenement at Scales, Lorton. The 1578 Survey's description of this holding is given in Appendix B.
12. The four tenements at Armaside, Lorton (see Appendix B, Map 1), held their land as a mixture of several closes and open parcels in shared fields. The holdings of each tenement (numbered 9-12 in Map 1) in these small open fields are tabulated below:-

Holding of Tenements (in customary acres)

	9	10	11	12
<u>Shared land:</u>				
Harrow Close	0.375	0.375	--	0.875
New Close	1.75	1.75	1.75	1.75
Terne dales	1.5	1.5	0.75	1.5

13. For example, the land of the 18 tenements at Wasdalehead consisted almost entirely of shares of arable land and meadow in Wasdalehead field, the total acreage of which was 116.5 customary acres (c186 stat. acres or 75 ha.) (1578 Survey, f. 137-8). Although too few tenements in lowland villages are described in the survey to allow generalisations to be made, the two holdings at Greysouthen consisted almost entirely of parcels of arable land and meadow in various named furlongs in the Infields, the Weste Fielde and Milne Banks, suggesting that the bulk of that village's cultivated land lay in large open fields (ibid. f.197). Similarly, with the exception of enclosed crofts adjacent to their farmsteads, the eight tenements described in the village of St. Bridget Beckermet consisted entirely of shares in common fields and meadows (ibid. ff. 105-6, and see tabulation of these holdings in Elliott: 1973;66).
14. Survey; ff. 126-127. The bulk of each tenement's land at Eastwaite consisted of a quarter of the Brode feilde (a block of arable and meadow land totalling 17 cust. acres (c27 stat. acres; 11 ha.)), and a quarter of "the Lordes lande in Nether feilde" (total acreage: 16 c.a.;

14. (continued)
26 s.a.; 10 ha.). In addition, L. Porter and R. Gunson shared closes called Ryly Heade, Bankland, Feilde heade and Blankwraye and a meadow called Dyke pote, while T. Dicson and T. Gunson each had a close called Farrclosse and a close called Brakenheade Closse.
15. See Elliott: 1973;66,(where the details are wrongly attributed to P.R.O. E.167/37).
16. Shares in Braithwaite Moss were held, not only by tenants in the village of Great Braithwaite but by tenants in Thornthwaite, both in the farm group territory of Powter How and in the freehold manor of Thornthwaite (see Appendix B, Map 4).
Ullock Moss was utilised by tenements from the otherwise discrete farm group territories of Ullock and Portinscales.
17. For example, Braithwaite How, shared by 13 of the 16 tenements in Great Braithwaite but also by three tenants in the neighbouring manor of Thornthwaite (ff. 175-8). Blake Rigg, Buttermere, was held by nine tenants, seven of whom held tenements in the village of Buttermere, the remaining two possessing otherwise compact holdings outside the village (ibid; f. 172r).
18. For example, the enclosures up the south side of Whitbeck, Lorton - see Appendix B, Map 1.
19. For identification of these closes, see Appendix B, Maps 2, 4, 5.
Blake Rigg, Buttermere, is entered separately after the description of each full tenement in the 1578 Survey (f. 172r); the Acct. of the reeve of Braithwaite for 1482/2 enters separately the receipt of 10s. Od. from the farm of a new improvement called Brathwaytehowe (C.R.O. D/Lec/302); and, similarly, the 1547 Court Book adds as an appendage to its lists of holdings in Coledale (f. lxxii):-
Tenentes ibidem tenent unam parcellam terre in
communie pasture ibidem vocatur Swynsid et
reddent 10s. Od.
20. The only evidence found in Copeland for the rating of holdings in the type of fiscal units encountered in Scotland (Dodgshon, 1973) and Northumberland (Dendy, 1894) are the 15th century descriptions of holdings at Wythop as messuages with terris husband' and as tenements cum suis pertinenciis vocatur husband landes (C.R.O. D/Lec/302/Copies of IPMS of Robert Louth, 1429/30; and Hugh Louth, 1475/6).
21. For example, tenement of W. Vicars at Taw House, Eskdale, described in 1578 as a close of infield land adjoining his farmstead containing 4 acres and 3 acres of outfield land (1578 Survey, f. 133); the paired tenements at Low field, Setmurthy, consisting of infield land adjacent

21. (continued)
to the farmsteads and closes of outfield land called Nowtifoote, Albie closes; Estfoote; Skelland riggs, Kirk butts (ibid, f. 160). These fields can be identified on the Setmurthy Tithe Plan (C.R.O. DRC/8/174; Nos 136-140; 147, 149) and lie in a block beside the River Cocker.
Later references to "infield ground" occur at Whinfell, 1652 (C.R.O. D/Lons/Wharton Manors Dimissions 1578-1723; Fletcher to Wilkinson, 1652), Wasdalehead, 1644 (C.R.O. D/Ben/Crosthwaite Tithes/1/Wasdalehead Award). "Outfield ground" occurs as a descriptive label in Blindbothe, 1638 (C.R.O. D/Sen/Ashley/Whinfell Peirson to Fletcher 5-1-1637/8); Lorton, 1688 (C.R.O. D/Lec/328/Winder Abstracts of Tithe/M. Winder to J. Winder, 23-1-1688).
22. Descriptions of tenements as "2 acres of infield land and 3 acres of outfield land laying in Drigge" (C.R.O. D/Lons/W/Calder/Ex Box 6/Calder Lordship Survey, 1611 (copy)).
23. Parcels of arable, meadow and pasture "in the infields in the furlongs called Mettgram Fitts, Ulphei knotts, Mutchey, Mutchey mire, Chappel howe, Common, Hard house, Tranlie mire, Collen banks, Lordsham side, Mattrigg" 1578 Survey: f. 197.
24. Ibid, ff. 104-5 - see Appendix B, Map 10.
25. For example, division of a tenement at Calder Hall in 1595 includes details of parcels "in the Infield" and "in the Owtfieid" (C.R.O. D/Stan/3/109); references at Mosser to "ye Infield commonly called the High Ackers" in 1724 (C.R.O. D/Lec/247/Egremont Lordship Court Leet verdicts) and to "the Outfields of Mosser mains" in 1736 (C.R.O. DX/471/Bundle 2/Brown to Robinson).
Presentments at Eaglesfield in April 1690 for a hedge being out of repair between "the Innfield and Outfield of Eaglesfield grounds" (C.R.O. D/Lec/127 Five Towns Court Leet verdicts), and in Calder Lorship in Sept. 1736 for a similar lack of upkeep between "the Outfield and their Innfield at the low end of Sellafieid" (C.R.O. D/Lons/W/Calder Court Book 1682-1747) are clear examples of the physical separation of the two categories of land.
26. 1547 Court Book; Rentals of Coledale and Buttermere.
27. Ibid; Rental of Netherwasdale. The rental appears to list only three of the four holdings at Eastwaite. Th. Gunson and his son John each held equal moieties of a tenement at 5s. Od. each; R. Gunson held another tenement (sic) at 5s. Od. rent. The implication that Eastwaite was considered to consist of two holdings at 10s. Od. each is perhaps reflected in the pairing of the four tenements visible in the pattern of landholding in 1578 (see above, note 14).

28. C.R.O. D/Lons/W/Millom "Rental and Accts 1547/8"/p.270. Despite the date attributed to this volume by the modern index to the collection, this undated dimission occurs alongside others in the same hand dated between 6-8 Henry VIII (1514-17).
29. 1578 Survey: f. 169.
30. P.R.O. E.164/37/f. 77.
31. For example, Buttermere: Hudson family at Gatesgarth; Peele family at Yeat (1578 Survey; ff. 170, 171-2); Setmurthy: Fisher family at Barkhouse (f. 160); Miterdale: Nicholson family at Miterdale Head (f. 135).
32. predictus Thomas cepit sibi de demidia tenementa dum vivet et post decessum suum alio filio qui placitur et alter dimidium filio suo Nicholao (C.R.O. D/Lons/W/Millom "Rental and Accts, 1547/8"/p.218. Although undated, this dimission occurs among others dated 1514-17 - see above, note 28).
33. In 1578 John Dicson and Richard Bragg each held a tenement at Swainside at 4s. 6½d. rent (Survey: f.120); in 1547 these same paired tenements were held by Thos. Wood and Wm. Towrson (1547 Court Book: Kinniside rental); in 1542 by Nich. Towerson, senior, and John Towerson (C.R.O. D/Lec/29/14 - Kinniside Acct.). In all probability Nicholas Towerson, senior, is to be identified with the son Nicholas to whom Thomas Towrson demised half his tenement in c1516.
34. 1547 Court Book: f. lxviiij.
35. For example, Johannes Stanger cepit . . . unum messuagium . . . nuper in tenura patris suis - xj^s viij^q. (1547 Court Book: f. lxix); Jacobus Robynson cepit . . . alteram iiiij^{ta} partem tenementi . . . nuper in tenura Ricardi Robynson patris suis. (ibid: f. lxviiij).
36. Alnwick X.II.3.3.a - Acct. of grave of Egremont, 1471/2.
37. The assignment of dower lands to Margaret, widow of Thomas de Multon in 1294 includes "all the close of Culdertone with the buildings" (Close Rolls: Edw.I; 400). At the IPM of her grandson Thomas de Multon in 1322 a messuage, 200 acres of land and 11 acres of meadow at Culderton is listed among other demesne land (P.R.O. C.134/71/1) and a deed of 1332 includes reference to viam que ducit ad grangiam de Culdirton (Lucy Cart:147).
38. P.R.O. C.135/41/1.
39. Close Rolls: Edw.III:iv; pp. 476, 486, 494.

40. 1578 Survey (f.112) specifies that Overcouderton "was the landes of the Lord Lucy", while Middle Couderton "was the landes of the Lord Fitzwalters". Nether Couderton remained outside the estate of the Earls of Northumberland, descending by the 16th century to the Dukes of Suffolk. No detailed survey survives, but the tenements are listed in 1561 in P.R.O. Partics. for Leases: Cumberland: Eliz/2/4 (copy in C.R.O. D/Lec/302).

41. In 1547 the forerunners of these four holdings appear to be two tenements, each in turn held by two tenants and consisting of the moiety of three messuages (17s.10½d.); the moiety of the demesne land (12s. 6d.), and the moieties of Coltparke, Braithmyre and the herbage of Fawparke (totalling 10s. 11d.). (1547 Court Book: f.1xxi). That the demesne land had been let to farm a century earlier and that it lay in the vicinity of Ullock is confirmed by the account of the grave of Braithwaite in 1437/8 which includes under the single sum received from tenants at will etc., the farm of terra dominicalis de Ullak (C.R.O. D/Lec/29/1).

42. P.R.O. E.199/7/3 - Acct. of Manor of Cockermouth 1309/10 - Gatecharth : item redd' compot' de iij^{li} de tota pastura de Gatecharth sic dimissa ad firmam ad voluntatem domini.

43. IPM Thomas de Multon, 1322 (P.R.O. C.134/71/1) includes reference to four vaccaries at Wascedale. IPM John de Multon, 1334 (C.135/41/1) specifies that they were in loco vocatur Wascedale heved and had been arrented to tenants at will for £12 per annum.

44. That part of the park formerly in the share of the Lords Fitzwalter was in 1547 let to four tenants at 13s. 4d. each, while the Lucy share was held as three holdings, one of 21s. 8d., and two of 10s. 10d. (1547 Court Book: ff.xlviii, 1.).

45. The agreement of 1286 between St. Bees Priory and Thomas de Lucy concerning the parks at Loweswater states that the old one was enclosed by Alan de Multon (mid-13th century) and the new one 'recently' (StB:106).

46. £8 received from farm of parcus de Balnes (for identification see Figure: 6.4). C.R.O. D/Lec/29/1 - Acct. of grave of Loweswater, 1437/8.

47. Enrolment of lease to Henry Jenkynson dated 20 July 1447 in Percy estates Receiver's Acct. 1453/4 (C.R.O. D/Lec/29/3).

48. 10s.0d. received from farm of a new improvement called Brathwayte howe as demised to T. Robynson and eight other named tenants ad includendum hoc anno (C.R.O. D/Lec/302 - Acct. of grave of Braithwaite 1482/3).

49. 10s. Od. received from new rent from tenants in Ullock and Portinscales for a parcel of pasture called Swynsyde (C.R.O. D/Lec/29/15 - Braithwaite Acct. 1542/3). However, a complaint at Braithwaite Court, 12 October 1507, that le Swynsyde, taken up as an improvement with the lord's consent, was a common nuisance suggests that it was converted from waste to regulated pasture some thirty years before its first appearance in the grave's account. (C.R.O. D/Lec/299/11.)

50. 1578 Survey (f.172) names nine tenants in Buttermere who hold a close of pasture called Blakerigge (for identification, see Appendix B, Map 2). In a plea of breach of contract at Derwentells Court, 1569, P. Peill complained that R. Dixon had promised him one acre of land in his (Dixon's) share of Blackrige, newly improved, in exchange for Peill's help in building his fences. (C.R.O. D/Lec/299/Court Book 10/11 Eliz.). This suggests that Blake Rigg had been newly taken in from the waste at about that date.

51. 1578 Survey: f.121. Each of the four tenants held an improvement caller Frier moore for which they paid a separate rent over and above that paid for the remainder of their tenements. As neither the improvement nor these separate sums of rent are listed in the 1547 Court Book, it is concluded that the enclosure took place between 1547 and 1578 (see Appendix B, Map 6).

52. A painé at Braithwaite Court 1473, ordered that Lorton Hede includatur et teneatur clausum tempore aperto (C.R.O. D/Lec/299/2). By 1500 the enclosure is registered on the account of the grave of Lorton which includes 20d. from the farm of a new improvement called Lortonhede, newly enclosed by the Lord's tenants (C.R.O. D/Lec/29/9). In 1570 it is described as unum clausum terre super moram vocatur Lurton Hed, held by all the tenants of Low Lorton (P.R.O. E.164/37/f.33).

53. Described in 1578 as parcels of arable and pasture called Intake and Newlands, rented at a total of 12d. (Survey; f.166), these enclosures may be identified in 1547 as an improvement called Newlandes, formerly held by J. Peylle, father of the then tenants, rented at 5d.; and a new improvement encroached on the waste at Whynnybanke and rented at 7d. (1547 Court Book: f.lxvii). As their names imply, both were clearly encroachments, one presumably enclosed recently before 1547, the other enclosed at least a generation before that date.

54. In 1547 T. Peyll and J. Wylkynson each held half of Hornelgrove at 10d. rent (Court Book: f.lxvii). This 20d. sum of rent is almost certainly to be identified with a receipt of 20d. from a purpresture called Hornelrowe close, demised to W. Pele, entered in the account of the grave of Brackenthwaite for 1478 (C.R.O. D/Lec/29/6); while the receipt of the same amount in 1437 from a purpresture "in Horneholgroue called Leelpay close", demised 12 years previously (i.e.,

54. (continued)
c1425) to T. Newcombe (C.R.O. D/Lec/29/1), suggests that these fields were already enclosed by the opening of the second quarter of the 15th century.
A similarly long history can be traced for the fields called Stockdale on the north side of Whit Beck (Appendix B, Map 1(b); No. 32). Described as an improvement in 1547 (Court Book: f.1xv) they are probably to be identified with a 20d. improvement called Stokedale listed in the 1478 account of the grave of Lorton (C.R.O. D/Lec/29/6). Reference in the 1437 account to a close called Stokdale, against which an allowance of 12d. decayed rent is made (ibid: 29/1), suggests perhaps that the fields went out of cultivation but were reoccupied by the mid-15th century.
55. For example, encroachments near Bully House rented at 4d., on top of basic tenemental rent of 12s. 0d. (1547 Court Book: f.1x). These appear as two separate improvements, each rented at 2d. on the 1541 account of the grave of Setmurthy C.R.O. D/Lec/29/14). Their absence from the previous surviving account for 1523 (ibid. 29/13) suggests that they were enclosed between these dates.
It is tantalizingly difficult to relate in detail the small improvements listed in the late-15th and early-16th century accounts to descriptions in the 1578 Survey of Embleton and Setmurthy (see Figure: 6.5). It seems highly probable, however, that many of these small fell-side enclosures represent encroachments along the head-dyke line made in the period 1480-1550. The complexity of small, separately-rented parcels in the area is illustrated by the description in 1541 of an improvement rented by John Murwraye for 2d. It is described as lying inter les xij penny ferme et le intake de fourpence (ibid. 29/14).
56. "Henrie Patricson gent. holdeth there a Cottage and xxvj acres of pasture improved of the Lo: wast called blentounge, rented at v^s. And alsoe a little close or improvem^t adioyninge to the East ende thereof cont. iij rod. rent iiij^d. in toto per annum v^s iiij^d" (1578 Survey: f.123).
- 1
57. Southam was held in 1578 by R. Nicholson for 6s. 6d. rent, together with two improvements rented at 1d. and 8d. (Survey: f.100). The 1471 account of the grave of Egremont includes a receipt of 6s. 6d. from the rent of a tenement called Sowtheholme, demised to T. Colteman (Alnwick: X.II.3.3.a).
Similarly, Catkellhowe was rented by J. Wells for 6s. 0d. rent in 1578; the same amount from a tenement called Catgyll being entered in the 1471 account.
58. Two bovates of land in Lorton were granted to St. Bees Priory c1150 (St.B: 52) and payments by Michael, chaplain of Lorton appear in the Pipe Roll for 1198 (VCH-Cumb: 1; 383). The chapel of Loweswater was granted to St. Bees Priory before 1158 (St.B:29), and a mill at Buttermere was granted by Alice de Rumelli, lady of Cockermouth, c1200 (Lucy Cart: 91).

59. Grants of Brisco to the burgesses of Egremont, c1202, (see Figure: 7.6); Salter to St. Bees Priory c1145 x 1179 (St.B: 33); Mosser to Adam de Mosesthe c1203 (see Figure: 7.5).
60. Grant by Alan de Multon and Alice de Lucy to John de Lucy, their son, of all Wythop, n.d. (c1260). C.R.O. D/Van/Wythop Box 1/Mediaeval deeds.
61. P.R.O. C.143/64/10. Inquisitio ad quod damnum into lands of John de Lucy, 1307.
62. These rents refer to the tenants of Isabella de Fortibus in her portion of "the mountains" of Derwentfells - see note 66.
63. P.R.O. E.199/7/3 .
64. P.R.O. E.163/2/11:-

<u>Landowner</u> (and location of estate if known)	<u>Acreage Enclosed</u> <u>1293 x 1299</u>
Thomas de Louthre (Manor of Braithwaite) ¹	60
Adam del Hames (Papcastle, Setmurthy, Lorton) ²	20
John Scotie' (Manor of Braithwaite) ³	30
Alex ^r de Bastenthwayt	20
Robt. de Crossethwayt (Embleton) ⁴	-- (mutilated)
Thomas de Irebi (Embleton) ⁵	40

(1 - P.R.O. C.134/10/15; 2 - Cal.IPMS:V, 560;
3 - P.R.O. C.134/10/15; JUST/1/138/m 8v; 5, 4 - P.R.O. C.134/2/10)

65. P.R.O. S.C.11/730/m 14v-15r.
66. The 1578 Survey of Derwentfells (ff.158-191) covers, in effect, the estates which descended from both the Fortibus and Lucy co-parceners of the Honour of Cockermouth in the 13th century. The estates were re-combined in 1323 when Anthony de Lucy received from the Crown the escheated Fortibus share of the Honour (Rot. Chart: 16 EdII, No. 6), and it is, unfortunately, unclear exactly which parts of Derwentfells were held by each family in the 13th century. The free chase was divided between the two families by a line from Whit Beck to Beck Wythop in 1247, the northern section being allotted to the Lucy's, the southern to the Fortibus family (Lucy Cart: 119), and it is clear from the 1270 Rental that the Fortibus estates lay mainly in the south in Newlands valley and Buttermere. However, the Lucy's also had tenants in Buttermere and at Uzzicar in the Newlands valley, as in 1256 the co-parceners came to an agreement whereby the tenants of one family in that part of the free chase allotted to the other family were reserved common of pasture but were not to encroach on to

66. (continued)
the forest (Scotland: i, 2051).
This problem is compounded by the fact that tenements are not grouped into the same graveships in the 1270 Rental as they are in 15th- and 16th-century documentation.
67. P.R.O. S.C.6/824/7-14. (Accounts of the vaccary at Gatesgarth are included within those of the estate's instaurator from 1267-79, but are list separately from 1280-90). Expenses entered in the accounts give some impression of the operation of the vaccary: a building housed the calves and supplies of hay (built in 1270/71 - 824/8), the fodder being cut each year in the meadows of Gatesgarth and Keskadale (Newlands valley). Reference to a parcus at Gatesgarth suggest that an enclosing fence was thrown round the whole vaccary (the park was repaired 1267-8, - 824/7).
68. IPM Thomas de Multon, 1322 (P.R.O. C.134/71/1); IPM John de Multon, 1334 (C.135/41/1). The latter confirms that the vaccaries in Ennerdale were where the lord used to keep staurum suum proprium.
69. Fountains: i, 62 - dispute concerning vaccary at Staynthwait, 1302.
70. The 1537 rental of Furness Abbey records a rent of £10 from a herdwyk called Brotherylkyth (Furness: ii, iii, 645). This had presumably grown out of the pasture of the monks at Brutherulkil, granted to them in 1242 and which they were permitted to enclose c1284 x 1290 (ibid: ii; ii, 565).
71. Brithwaith and Loffthwaith on Figure: 6.5.
72. St.BA: 71.
73. P.R.O. S.C.6/824/18.
74. IPM Thomas de Ireby, 1322 - P.R.O. C.134/75/7.
75. P.R.O. C.135/41/1.
76. P.R.O. E.179/90/9/m3 (Liberty of Cockermouth); m6 (Liberty of Egremont).
77. C.R.O. D/Lec/29/1. The only specific reference to the Border troubles in this account roll is in the account of Wigton, in which the decayed rent of the water mill is attributed to its destruction by fire by the Scots.
78. ibid. The accounts of Setmurthy and Lorton include the statement that the anticipated sum of receipts was that listed in "the rental account (rentale compotus) of 13 years previously hereto annexed".

79. An encroachment called Brakanhyll at Sosgill (ibid: Mackerkin acct.); a purpresture formerly in the tenure of John son of John Thomlymman (Coledale acct.); a close in the common of Cockermouth opposite the mill on the east side of R. Cocker; a purpresture formerly in the tenure of W. Skayff; a close called Stokdale (Lorton acct.).
80. ibid: acct. of Baillif of Five Towns.
81. In 1570 it was held by the tenants of Eskdale "beneth Spouthouse" for 4s. Od. rent (P.R.O. E.164/37/f.84). The 1578 Survey (ff. 130-1, 136) specifies the small sums paid by each of these tenants : their farmsteads were at Gatehouse, Randle Howes, Bank House, Hollinghow, Fisher Ground, Longrigg Green, and Low Holme.
82. 1547 Court Book: f.lxix.
83. ibid: f.lxxix. The seven tenants held tenements elsewhere in Brackenthwaite graveship.

1. C.R.O. D/Lec/299/passim - for example, Dean Court, 17 Oct. 1521 - presentments against the builders of houses in communi domini (299/18); Loweswater Court, 1524 - presentments against foreign cattle on communis pastura domini (299/22); Derwentfells and Setmurthy Courts, 1595 - presentments against illegal mowing of brackens super pasturam domini (299/27).
2. ibid; 299/25 - Derwentfells Court Capital, 1539.
3. ibid; 299/10 - Derwentfells Court Capital, 1504.
4. ibid; 299/4 - Brackenthwaite Court, n.d. (16 Edward IV).
5. There was, however, a complaint at Brackenthwaite Court in 1476 that tenants of the adjacent township of Buttermere had driven off catallos vicinorum in communia de Brakenh' (ibid.). This might be interpreted as implying that separate areas of waste were under the control of Brackenthwaite and Buttermere respectively.
6. ibid; 299/10 - Derwentfells Court Capital, 1504: villata de Thornethwaite combussit jampnum & brueram Anglice vocatur Haythburn tempore prohibito.
7. ibid; 299/17 - Derwentfells Court Capital, 1520 : villata de Lorton violente igne combussit jampnum & brueram xij acrarum in montibus ibidem.
8. For example, Derwentfells Court Leet, 1704 : paine against overcharging of individual tenants' "Ancient Heafes" in Lorton, Braithwaite and Coledale (C.R.O. D/Lec/85). Heafing in this area is further confirmed by a paine of 1686 concerning R. Allason's (Buttermere) "heafe-going sheep called Low Green sheepe" and a presentment in 1720 concerning a disputed heaf in Rogersett on "the Tongue and Heselkin" (C.R.O. D/Lec/120 - Braithwaite and Coledale Court Leet Verdicts). Further south in Copeland, references occur in 1707 to separate blocks of fellside in St. Bridget Beckermest assigned as sheep heafs to the tenements of Brayshaw and Beckcoat (C.R.O. D/Lons/W/Calder Ex Box 6/Calder Manor Court Book, 1682-1747).
9. In 1691 the heaf of Eastwaite tenement was described as "A place called yoad-Rake lying Between Greate houlgill & litle houlgill". Similar paines in 1733 and 1734 record the heafs of Gailsick ("in Midlefell between Standey Gill and Great Riggfoot"), Strands ("in the Low Birck Cragg"); and Scale ("at Shoting hows"). C.R.O. D/Lec/94 - Netherwasdale Court Leet Verdicts.
10. In 1710 J. Gregg of Scales presented J. Skinner for mowing and carrying away brackens which "have always within their memory belonged to the Toft farmed by John Gregg". In 1722 J. Heed made a similar presentment against W. Brough for cutting brackens "belonging to the said John Heed his brackin dalt" (C.R.O. D/Lec/85 - Derwentfells Court Leet Verdicts). The spatially-

10. (continued)
defined nature of these bracken-dalts is exemplified in a deed of New House, Lorton, in 1742 which includes "That share of the Bracken Dale or Dalt scituate lying and being on and adjoining to the low side of Peter Garner's Bracken Dale or Dalt below Newlands Gate" (C.R.O. D/Ben/5/147).
11. "Commons, Cattle Drift and Heaf Award of the Twenty-four Sworn Men of Eskdale, Miterdale and Wasdalehead, 1587". Copy made by John Nicholson, 19 Nov. 1692, with amendment dated 24 April 1701 is in C.R.O. D/Lec. Award of the Jury of the Manor of Wasdalehead, 9 June, 1664, is in C.R.O. D/Ben/Crosthwaite Tithes/1.
12. 1578 Survey: f.102.
13. StB: 370 : "Bunde Franchisie sancte Bege"; 15th-century copy of boundary.
14. C.R.O. D/Lons/Wharton Manors/Bundle 1/Survey of Estates, 1560; Manor of Dean, p. 207: "The Tenants of Lamplough for entercomon of pasture onely . . . 13s. 4d.".
15. C.R.O. D/Lons/W/Seaton Title Deeds/Curwen Estates Rental, 1450. The tenants of Stainburn paid 7s. 0d. annually; the tenants of Priestgate, 4s. 6d.
16. 1578 Survey: f.122. The complete list of such entries is:-
Kinniside (f.122):
 R. Thourson of le Calder 9 beastgates
 N. Sherpe of Thornholme 6 beastgates
 R. Patrickson of Scalebank 6 beastgates
Netherwasdale (f.129):
 J. Fox of Irt Cote 6 beastgates
 R. Mosecrope of Leabekk 5 beastgates
 W. Robinson of le Waues 4 beastgates
Eskdale (f.134):
 W. Robinson 8 beastgates
17. In 1542, J. Fox and H. Hilton leased the attachiamentum infra forestam de Mydlewarde for 56s. 9d. p.a. (C.R.O. D/Lec/29/14 - Netherwasdale Acct.) and 17th-century petitions concerning the agistment of stock on Middleward refer back to practices temp. Henry VIII and confirm that a similar system of seasonal stock movement was in operation then (C.R.O. D/Lec/284 - Petitions). Accounts for 5-6 Henry VIII (1513-15) do not mention leases to middle-men but confirm that agistment was practised and the number of animals agisted/ascertained by taking the drift of the fell: Agestiamentum foresti ibidem valet hoc anno ultra omnes expenses fact' ad fugatores - £3-11-6. (C.R.O. D/Lons/W/Millom Rental and Accts., 1547/8 [sic] ; p.237).
18. Annual accounts of agistment on Middleward (otherwise known as Stockdale Moor) from 1684 to 1732 (C.R.O. D/Lec/284/8) list the stock grazing there each year.

18. (Continued)
In 1684 farmers in St. Bridgets, Calder Lordship, Gosforth, Haile, St. Johns, St. Bees, Irton, and Drigg had stock on the fell.
The annual practices of taking the drift of Middleward on 8th September and impounding stock in Moughton Pinfold (see Figure: 6.3) are described in lawsuit papers in the case of Somerset v. Curwen, 1694 (C.R.O. D/Lec/284).
19. C.R.O. D/Lec/284/8.
20. Eskdale Award, 1587 - see note 11.
21. C.R.O. D/Lec/120.
22. Johannes Feron als Roger (2d) pro custod' viij ovies foren' tempore hyemale (C.R.O. D/Lec/299/17 - Dean Court, 19 Oct., 1520.)
23. At the time of the Dissolution, Seaton Nunnery had common pasture within the forest of Millom (Dugdale: iv, 228); c1282 an agreement between the lord of Egremont and Calder Abbey confirmed the monks' right to common for all their commonable stock throughout the forest of Copeland (StBA:34b); c1200 Richard de Lucy, lord of Copeland, granted to Priory of St. Bees pasture in the forest of Loweswater for 20 cows and followers and an unlimited number of sheep (StB: 29).
24. For example, confirmation by manorial court jury of Eskdale and Wasdalehead, 1579, of pasture right to T. Senhows of Seascale on the forest of Copeland (C.R.O. D/Lec/265); four tenements in village of St. Bridget Beckermet are specifically stated to have a free pasture right on Middleward in the forest of Copeland in 1578 (Survey: f.106); in 17th-century petitions, the tenants of Calder Lordship (consisting of the whole parish of St. Bridget Beckermet, except the village of St. Bridget itself) claimed to have had a free pasture right in the forest of Copeland temp. Henry VIII (C.R.O. D/Lec/284/Petitions).
25. Scotland: i, 233.
26. The exact area of pasture in Wythop granted to Orm and his men cannot be reconstructed as the document is mutilated at this point. However, place-names on the boundary of the area include Loftweic (?Lothwaite); Rutenbec (Routenbeck) and Dubbes (?Dubwath), all in the northern part of the modern township of Wythop (see Figure: 6.5).
27. C.R.O. D/Van/Wythop/1/Mediaeval deeds.
(a) Agreement, 15 Aug. 1283, between J., son of Sir R. de Lantploth and J. de Lucy, lord of Wythop, concerning pasture in Wythop belonging to de Lantploth's free tenement in Lorton. De Lantploth quitclaimed all common in de Lucy's improvements in Wythop but reserved pasture in

27. (continued)
these improvements (except the park) in the open season after the corn and hay were cut. De Lucy could, in addition, enclose all the land within specified bounds as reconstructed in Figure: 6.5.
(b) Quitclaim, n.d. (c1270 x 1290) by R. de Goseford to J. de Lucy of all his right to an annual rent of 10s. 0d. formerly owed by de Lucy in respect of common pasture formerly claimed by de Goseford in de Lucy's parks in Wythop. (NB: R. de Goseford is listed as a free tenant in the Manor of Braithwaite in 1304 (P.R.O. C.134/10/15) and, although his holding is not located in that source, it is tentatively identified as being one-third of the village of Nether Lorton (see Appendix A, iii, No. 13).
28. C.R.O. D/Lons/Deeds/WH 1b:-
possunt scalingas suas ponere in predicta terra iuxta divisas de Suntun inter Milnebech et Ehen. Ita quod nullus homo ibi manere debet ad focum et locum preter pastores.
29. For example, 6s. 0d. rent from a scala at Keskadale at the head of the Newlands valley in 1270; 2s. 0d. de firma V scalarum in Derwentfells in 1309/10; 12s. 9d. from the rent of lands, tenements and shal' in the same area in 1318 (P.R.O. S.C.11/730/m 13v; E.199/7/3; S.C.6/824/18).
30. Kinniside: at partition of free chase in Egremont in 1338, tenants at Kinniside were to have their scalingas in the common pasture as formerly (Close Rolls: EdIII: iv; 477, 495).
Loweswater: extent of Manor of Balnes (see Chapter III, note 63), 1304, includes 2s. 0d. rent from four skales (P.R.O. C.134/10/15).
Gosforth: grant by P. de Sevenhou to Priory of St. Bees, c1250, of land in the territory of Bolton, includes reference to unam schalingam in Butoft (StB: 284).
Bootle: grant to Seaton Nunnery by Gunnilda, daughter of Henry, son of Arthur, n.d. (early 13th century) includes scalingas ubi utilius visum fuerit in Crocherh (Dugdale: iv, 227).
31. For example, Lorton, 1500: allowance of 2d. against a decayed scaling in Stokdale (for identification, see Chapter VI, note 54) formerly in tenure of T. Scale, now relinquished into the lord's hand (C.R.O. D/Lec/29/9); Rogersett: 6d. rent for a scaling or scalestead in Husacredale (cf. modern farm name Uzzicar) continued to be paid until 1578 (Survey: f.191r) but no tenant is recorded in the General Fine rental of 1633 (C.R.O. D/Lec/313/42).
32. C.R.O. D/Lec/299/16: wife of R. Jakson presented at Loweswater Court for having a scaling in the common for which she paid no rent and in which she was suspected of receiving wicked thieves (pravos latrunculos) at various times.

33. Award of sheep drift to tenants of Taw House, Eskdale, 1587, includes reference to Goddum Peat Skailles (Eskdale Award, 1587 - see note 11). cf. English Dialect Dictionary v.s. scale.
34. Scotland: i, 233.
35. C.R.O. D/Stn/1/30 (printed StBA: 69). Gift by J. son of T. de Irebi to O. son of A. de Crosthwat, n.d. (c1210), of land in Embleton in Langfite (now Lambfoot) by bounds which include magnam sepem que circuit villam.
36. Lucy Cart: 46. The land lay: extra cepes eiusdem Thome de Ireby de Embleton Shaton & Stang' videlicet in wasto et in libera chacea de Derwentfells.
37. C.R.O. D/Van/Wythop/1/mediaeval deeds: Grant by A. de Multon and A. de Lucy to J. de Lucy, their son, of all Wythop, c1260, by bounds which include the southern boundary of the modern township of Wythop along a watershed on the fell tops (see Figure: 6.5).
Scotland: i, 554: Grant c1211 by A. de Rumeli, to the monks of Furness of all Borrowdale by bounds which run over the fell tops from Ashness to Esk Hause (dividing Furness Abbey's estate in Borrowdale from that of Fountains Abbey to the east - see Fountains: i, 61) and from Esk House along the west boundary of the modern township, again along the fell-top watershed.
38. C.R.O. D/Lec/85/Derwentfells Court Leet Verdict, 1705. The boundary there described appears, however, to have differed from the modern township boundary between Embleton and Lorton from Gray Beck (NY 15 28) to Widow Hause (1826). It ran, among other place-names now lost, via Bleddert Keld, which is identified on a plan of 1811 (C.R.O. D/Lec/288/Egremont v. Vane) as being at 178 282 on the modern boundary between Embleton and Wythop.
39. C.R.O. D/Lec/265/37.
40. StB: 12.
41. StB: 72, Grant by H. de Moriceby, c 1230, of pasture for sheep per totam moram usque ad campum excultum de Moricheby; StB: 73, Grant by N. de Moriceby, c1280, of turbary in mussa mea in Moriceby, que vocatur Wythemir.
42. StB: 134 "infra quamdam moram dudum vocatam Welyngmore, in diversa nomina ob propinquitatem villarum adjacencium jam trinomine nuncupatam, cujus uns pars Moriceby more, altera pars Welyngmore, tertia vero pars Distyngtone more modo appellatur".
43. StB: 338 : "Convencio de Pastura de Staynburn", 18 April 1227. The pasture pertaining to Stainburn lay within these bounds: as the bounds between Gilderstainflat and Workington extend linearly above Ellerbec [Ellerbeck], running west from Stainburn Moor, ascending to a great, grey stone towards Wyndscales [?Cut Stone, a stone in the head-dyke of Winscale at NY 029 269,

43. (continued)
marked on Workington Enclosure Award, 1815 - C.R.O. QRE/1/26], from the stone linearly above Hungerig to a place W. head of Traneberimos from which by a depression (profundius) descending into Kaulegile [Cavel Gill, NY 03 26], by which descending into Lostric [Lostrigg Beck into which Cavel Gill falls at 044 268], by the same stream of Kaulegile to Armategill, so descending into Ellerbec, descending to the aforesaid bounds of Gilderstainflat between the land of Workington and Stainburn towards the W.
44. ibid. The lord of Workington released all claim to the waste within these bounds and it was agreed that the men of Workington nullum opus manuale facient.
45. It should be noted that a similar absence of township boundaries across the waste prior to Parliamentary Enclosure occurs on Eaglesfield Moor and Clifton Moor, both of which were intercommoned by two adjacent townships prior to enclosure (see Figure:1.7, A, B). Mediaeval documentation for these townships is, however, insufficient to enable the tenurial position of these wastes to be established.
46. Lucy Cart: 161. Arbitration and Award, 28 June, 1355, after dispute between Sir T. de Lucy, lord of Dean, and J. de Bampton, lord of Branthwaite.
47. ibid. The boundary between Dean and Branthwaite ran: from a willow growing in a dyke near Crakplace [Crakeplace Hall, 070 240], by the N. side of a moss there to an old dyke, along this dyke between a place called Aulderig in the soil of Branthwaite and an improvement calle Neurig in the soil of Dean [?associated with Branthwaite Rigg and Rigg House (05 23), farms along the post-mediaeval head-dyke of Branthwaite], following the same old dyke to the stream of Lostrigg [Lostrigg Beck, flowing N. from Dean Moor], down which to where the syke which comes down from le Monkwath falls into Lostrigg Beck at the end of the field of Skargill [Stargill, 043 263]. This boundary is clearly not the township boundary running between the cultivated land of Dean and Branthwaite from Crakeplace Hall to Greencastle Brow (068 268), but would appear to follow approximately the head-dyke of Branthwaite along the edge of Dean Moor (Dean Moor Enclosure Award, 1815 - C.R.O. QRE/1/16). The land of Dean is thus, presumably the waste of Dean Moor, the land of Branthwaite the cultivated land to the north-east.
48. Agreement, 1292, between R. de Cleterh and T. de Multon and the burgesses of Egremont. C.R.O. D/Lons/Deeds/WH 1c.
49. 17th-century copy of boundary of Manor of Frizington, 14 June 1410, is printed in Jefferson (1842, 73-4). The boundary describes a block of land coterminous with the poor law township of Frizington, the north-east sector, between Winder Beck and Dub Beck running "lyen and lyen" across the waste via "ye Harper Stone".